

CITY OF FLORENCE PLANNING COMMISSION / DESIGN REVIEW BOARD
CITY HALL COUNCIL CHAMBERS
250 Highway 101, Florence OR 97439

October 27, 2015

AGENDA

7:00 pm

Curt Muilenburg, Chairperson

John Murphey, Vice Chairperson

Charles Hammon, Commissioner

Robert Bare, Commissioner

Ron Miller, Commissioner

Clarence Lysdale, Commissioner

~ **CALL TO ORDER ~ ROLL CALL ~ PLEDGE OF ALLEGIANCE ~**

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- September 22, 2015

3. PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

4. PUBLIC HEARING

RESOLUTION PC 15 16 CUP 09 – Porter Boatlift : A Conditional Use Permit application from Greg Swenson of PBS Engineering & Environmental, representing Larry Porter, to construct a new private boatlift, gangway, and two mooring buoys in the Siuslaw River near applicant's residence. The proposed project will be located within the Restricted Residential and Conservation Estuary zoning districts at 100 Rhododendron Drive, Map 18-12-27-33, Tax Lots 304, 400, 500 and the Bay (Front) Street Right-of-Way. Proposed work (9 piles) will take place during the in-water work period from November 1st to February 15th during daylight hours. As mitigation for the project, 37 derelict creosote piles would be removed from the waterway (*continuance of Hearing from August 25, 2015*).

5. DISCUSSION ITEM

City Council Goal Task 2, Objective 5, Task 2: Streamline portions of the land-use process with over the counter permit process.

6. PLANNING COMMISSION DISCUSSION ITEMS

7. CALENDAR

- Wednesday, November 4, 2015 Work Session with City Council
10:00 a.m. – 12:00 Noon at City Hall - TENTATIVE
- Tuesday, November 10, 2015 – Work Session, 7:00 pm at City Hall
- Tuesday, December 8, 2015 – Regular Session, 7:00 pm at City Hall
- Monday, December 14, 2015 – City Council-Planning Commission Joint Hearing
7:00 pm at City Hall

DJOURN

The meeting location is wheelchair accessible. Anyone requiring special accommodations, please call (541) 997-8237 at least 48 hours prior to the hearing. (Over for Public Hearing Procedure) The hearing will also be broadcast live on Channel 191.

PUBLIC HEARING PROCEDURE

The Planning Commission must make its decision based on facts. Prior to the hearing, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request more time to present additional evidence, arguments or testimony regarding the application.

- A. Open Hearing
 - *Planning Commissioners declare any conflicts of interest, bias, ex-parte contacts and site visits.*
 - *Public may challenge a Commissioner's impartiality in making the decision.*
- B. Staff Report
- C. Applicant's Presentation
- D. Testimony

The Planning Commission will hear testimony from those in favor of the proposal, those against the proposal, and those that are neutral but have a comment. Copies of written testimony submitted for the hearing have been distributed to the Planning Commission. When you go to the table to testify, sign in (please write legibly) and state your name. If someone has made statements with which you agree, please come forward, sign in and just state that you agree with those comments. You do not need to restate the previous comments.

 - Proponents
 - Opponents
 - Neutral – Interested Persons
 - Rebuttal from Applicant
- D. Staff Response and Recommendation
- E. Close of Hearing
- F. Commission Deliberation - Direction to Staff or Decision
- G. 1st and 2nd on Motion
- H. Applicant's Opportunity to Respond to any New Conditions of Approval
- I. Discuss and Vote on Motion

The meeting location is wheelchair accessible. Anyone requiring special accommodations, please call (541) 997-8237 at least 48 hours prior to the hearing.
The hearing will also be broadcast live on Channel 191.

**STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A1"**

Public Hearing Date: October 27, 2015 **Planner:** Glen Southerland
Date of Report: October 20, 2015
Application: PC 15 16 CUP 09

I. PROPOSAL DESCRIPTION

Proposal: A request for a conditional use permit to construct a private boat lift and gangway with two mooring buoys and nine permanent piles.

Applicant: Greg Swenson, representing owner, and Larry Porter, owner

Property Owners: Oregon Department of State Lands
Larry Porter, 100 Rhododendron Drive, Taxlot 304
City of Florence, Bay Street Right-of-Way
Port of Siuslaw, Taxlots 400 and 500

Location: Mile 3.5, Siuslaw River, at 43.973102°, -124.121498°
550 feet northeast of the Navigation Channel

Site: Map # 18-12-27-33, Taxlots 00304, 00400, 00500 and Bay (Front) St.
Right-of-Way

Comprehensive Plan Map Designation: None (Siuslaw River), Low Density
Residential

Zone Map Classification: Conservation Estuary (Siuslaw River), Restricted
Residential, Residential Development Overlay

Surrounding Land Use / Zoning:

Site: Mile 3.5, Siuslaw River / Conservation Estuary/Restricted
Residential/Residential Development Overlay
North: Port of Siuslaw Submerged Properties / Conservation Estuary
South: Port of Siuslaw Submerged Properties / Conservation Estuary
East: Residences / Restricted Residential
West: Siuslaw River Navigation Channel/ Conservation Estuary

Streets / Classification:

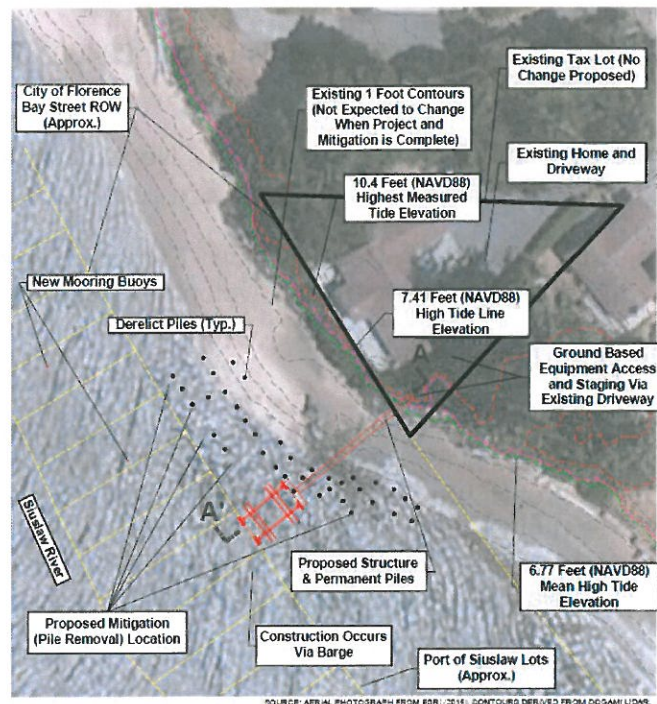
Site – Bay (Front) Street – Submerged and Undeveloped; West – None; North –
None; East – Rhododendron Drive - Collector; South – None

II. NARRATIVE:

Please note that this section has changed, dated 10-20-15.

The applicant submitted an application for Conditional Use Permit on July 10, 2015. The applicant has proposed a boatlift and gangway supported by nine steel pilings within the partially submerged Bay Street right-of-way and on a submerged property owned by the Port of Siuslaw. The gangway will be approximately three feet wide, constructed of aluminum and extend from the southwestern corner of the property into the river an unspecified length (approximately 75 feet according to plans) where it will connect to a 25' x 35' boatlift. The boatlift will be partially on Port of Siuslaw property, which has agreed to allow the construction pending approval. Two mooring buoys have been proposed within the Bay Street right-of-way to allow for a boat to be secured when not within the boatlift. There will be no sections of floating dock and no treated wood products used as part of the construction.

The Planning Commission held a public hearing on August 25, 2015 and heard testimony from the applicant and a concerned neighbor. At that hearing, the Planning Commission decided to continue the hearing until October 27, 2015. The Planning Commission stated that written testimony would be accepted until October 13, 2015. Several referral comments were received from state agencies prior to this date, and are addressed below.



The applicant has proposed the removal of 37 piles (pictured above) as mitigation for the construction of this boatlift and gangway.

The applicant also submitted a Joint Permit Application to the U.S. Army Corps of Engineers and the Oregon Department of State Lands on August 3, 2014. The Department of State Lands requested that the applicant resubmit the application. The applicant did not resubmit a copy of the Joint Permit Application to the City of Florence. Staff retrieved a copy of the resubmitted JPA from the DSL website and attached it as **Exhibit M**.

There are several key changes made to the Joint Permit Application by the applicant and their representative, but none that were not previously suggested by the application to the City or through dialogue during the public hearing. The applicant has added the following information:

- Section 5: Item No. 5, regarding the location of the boatlift relative to the shore.
- Section 6A: Dialogue explaining the function and construction of the two proposed mooring buoys.
- Section 6A: Dialogue further explaining the disposal of cut pilings.
- Section 6D: Dialogue further explaining the disposal of cut pilings.
- Section 6F: Revised information regarding fill volume and dimensions.
- Section 6G: Revised information regarding fill volume and dimensions.
- Figure 4B (Page 22): Cross section of proposed buoy.

III. ISSUES

Please note that this section has changed, dated 10-20-15.

Issue 1 – Spruce Point Cemetery – Responses were received from Dennis Griffin of the State Historic Preservation Office and Kuri Gill of the Historic Cemeteries Program. No further referral comments were received on this issue.

Staff recommends that Condition 13 is sufficient to address any possible issues that may arise concerning the suspected location of the cemetery and any possible remains that are discovered. Staff has included in the updated Condition 13 the recommendation from the public hearing of August 25, 2015 that inserts the phrase “and work ceased immediately until authorized to continue by a State or Tribal preservation specialist” at the end of the condition.

Issue 2 – Historic Preservation – Public Testimony has stated that the pilings are a historic resource for the Florence area. Research conducted by staff at the City and the Siuslaw Pioneer Museum was unable to find conclusive evidence regarding the owner or final disposition of the sawmill(s) which once existed on the site. Materials attached as **Exhibit N** appear to describe the possibility of one or more sawmills operating in the Spruce Point area, neither of which could be found to have any traceable ties to local figures. Staff recommends that the Planning Commission discuss the possibility of historical significance and decide that the pilings are or are not of any significance.

Issue 3 – Niche Ecosystem – Public testimony states that these piles may be the basis for an established niche ecosystem in the area. Planning Commission will need to determine whether the Resource Compatibility Study addresses the biology as required by the criteria.

Further response was received from Jason Kirchner of the Oregon Department of Fish and Wildlife Department and is attached as **Exhibit O**. Comments submitted by the ODFW representative state that the agency does not believe that the removal of the piles will affect local flora and fauna and will instead open up the sediment for shellfish burrowing and other benthic organisms. Underwater video of the site show that the area is dominated by sandy bottom with woody debris, some crab, barnacles, etc. The Oregon Department of Fish and Wildlife has stated that it would prefer that all pilings be removed at this time and that none be cut and left below the mudline unless necessary due to breakage during removal.

Issue 4 – Erosion – Nearby neighbors who have submitted testimony also fear that the removal of these piles may alter the course of the Siuslaw River and cause erosion to their properties. Analysis was not provided related to the water flow and a change in river course. The Phase I Site Investigation Report and Resource Compatibility Study do not have criteria related to erosion. As such no information was provided by the applicant regarding erosion. If a Phase II study was required then erosion studies are required as a part of the submittal. The Phase 1 SIR did not merit additional studies through a Phase II. Additionally, evidence was not received by anyone submitting testimony to support the potential for erosion, rather just concerns. The state agencies were questioned and did not have concerns related to erosion. Staff recommends that the issue be concluded as unapplicable by the City. Further concerns can be addressed to the Department of State Lands, which is accepting comments on the applicant's JPA until November 14, 2015.

The applicant submitted comments from the contractor for the project, Billeter Marine, regarding erosion, attached as **Exhibit R**.

Please see the staff recommendation (Page 22).

Issue 5 – DSL/USACE Joint Permit Application – Following submission of their original application, the applicant was required to submit a revised application to DSL. USACE did not submit comment regarding the applicant's application for an individual permit, its status, or any recommendations. Comments received from USACE have been attached as **Exhibit S**.

Neither of these applications has been reviewed or approved at this point. Staff recommends that Condition 8 is still applicable and remain as a Condition of Approval.

Please see staff recommendation (Page 22).

Issue 6 – Vision Clearance -- The proposed boatlift and gangway are directly across the Siuslaw River from Scenic Resource 6 as identified in Map 5-H1 of the Florence Comprehensive Plan. The applicant has submitted testimony regarding the

estimated appearance of boatlift and gangway and its appearance from certain views. If the Planning Commission is satisfied by the materials submitted by the applicant and the effect of the construction and presence of the boat and boatlift on Scenic Resource 6, the Planning Commission should motion to remove Condition 11. If the Planning Commission is not satisfied by the materials submitted by the applicant, staff recommends that the applicant submit further visual aids to assist the Planning Commission that provide an overall view of the site from neighboring properties and right-of-ways.

IV. NOTICES & REFERRALS:

Please note that this section has changed.

Notice: On August 4, 2015 notice was mailed to surrounding property owners within 300 feet of the property. On August 4, 2015 a sign was posted on the property. Notice was published in the Siuslaw News on August 19, 2015.

At the time of this report, the City received written comments from:

Vern and Deanna Oremus, Florence, OR 97439, letter dated August 10, 2015, opposed to project for historic preservation and environmental reasons. They cite the goals of the Florence Comprehensive Plan as being unmet by this application. **Exhibit E**

Mark and Cynthia Chandler, Florence, OR 97439, letter dated August 14, 2015, opposed the project for historic preservation and environmental reasons. They cite the goals of the Florence Comprehensive Plan and Florence City Code as being unmet by this application. **Exhibit F**

Referrals: On August 4, 2015 referrals were sent to the Florence Building Department; Florence Police Department; Florence Public Works; Oregon Department of Fish & Wildlife; Oregon Department of State Lands; Lane County Environmental Health; Port of Siuslaw; State Historic Preservation Office; Confederated Tribes of Siletz; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; Department of Land Conservation and Development; and Siuslaw Valley Fire and Rescue. At the time of this report, the City received comments from:

Fire Marshal Sean Barrett, August 6, 2015, stated no concerns or comments. **Exhibit G**

Charles Redon, Department of State Lands, August 4, 2015, stated that an individual permit with DSL was required before construction as well as the possibility of other DSL proprietary authorizations. **Exhibit H** Charles Redon, September 25, 2015, provided further information regarding the resubmittal of the applicant's JPA and erosion concerns. **Exhibit P**

Jason Kirchner, Oregon Department of Fish and Wildlife, August 12, 2015, provided several recommendations for the pile removal mitigation and construction of the

gangway and boat lift. **Exhibit I** Jason Kirchner, Oregon Department of Fish and Wildlife, September 29, 2015, provided further information and recommendations for the project. **Exhibit O**

Dennis Griffin, State Historic Preservation Office, August 11, 2015, stated that the area has not been previously surveyed, but has a high probability for possessing archaeological sites and/or buried human remains and provided the proper process for reporting sites found during construction. **Exhibit J**

Kuri Gill, Historic Cemeteries Program Coordinator, August 18, 2015, stated that historic records indicate that a cemetery was located in or near the work area. She states that should human remains be discovered during the course of work that work must stop and Dennis Griffin, State Archaeologist must be contacted. **Exhibit L**

Benny Dean, U.S. Army Corps of Engineers, September 29, 2015, stated that concerns about erosion may be addressed by ODFW or the Corps Navigation Office.

V. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-5

Chapter 4: Conditional Uses, Sections 3, 5 through 8, 10, and 11

Chapter 6: Design Review, Sections

Chapter 7: Special Development Standards, Sections 2 through 6

Chapter 10: Restricted Residential, Sections 2, and 4 through 5

Chapter 19: Estuary & Shorelands, Sections 1, 3, and 6

Chapter 37: Lighting, Sections 2 through 6

Realization 2020 Florence Comprehensive Plan:

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources:

Scenic Resources and Visual Quality, Policy 1

Historic Resources, Policy 4

Chapter 6: Air, Water and Land Quality, Policies 1 and 2

Chapter 7: Development Hazards and Constraints, Policies 1, 2, and 4

Chapter 16: Siuslaw River Estuarine Resources, Policies 3 through 5, 7, 11 through 15, and 17

Chapter 17: Coastal Shorelands:

Ocean, Estuary, and Lake Shorelands, Policies 3 through 9, 11, 12, and 16

VI. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria which have been changed have been listed. **Please see Exhibit A for further information regarding other applicable criteria and conditions of approval not addressed in these findings.**

FLORENCE CITY CODE

TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

- A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.**

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred.**

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

- B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.**

The conditional use permit shall become effective at the close of the appeal period. (Condition 3.1)

The authorization of the conditional use permit shall be effective for one-year, ending on October 27, 2016. (Condition 3.2)

The discontinuance of the conditional use shall be considered the inability of the structure to continue functioning for its intended purpose. Discontinuance of the approved use shall be subject to revocation of the conditional use permit as defined in FCC 10-4-9. (Condition 3.3)

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

- A. Conformity with the Florence Comprehensive Plan.**

Conformity with the Florence Comprehensive Plan will be addressed later in these findings.

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82)

F. Requiring rehabilitation plans

The applicant has proposed mitigation for the addition of nine steel pilings and two mooring buoys in the form of the removal of 37 derelict creosote piles. The applicant has proposed that the derelict piles would be extracted with a vibratory hammer or, if broken or intractable, cut off three feet below the mud line.

Referral comments have been received from ODFW, DSL, and USACE. All comments received stated that the applicant's plan to remove the 37 piles would be an acceptable mitigation and that the proposed work should be allowed.

G. Regulation of hours of operation and duration of use or operation.

As a private residential boatlift and gangway, there will be no regulation of hours of operation. Duration of the use or operation of the boatlift and gangway is subject to Conditions 3.3, 3.4, and 3.5.

The applicant has not provided any information regarding the noise volume of the boatlift. Use of the boatlift will require conformance with City of Florence noise regulations. Commercial use of the boatlift will not be allowed, as outlined during review of FCC 10-10.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

Pursuant to the application and testimony from the Oregon Department of Fish and Wildlife, the applicant shall be required to mitigate effects of fill and shading of natural habitat, and to protect riparian vegetation. The applicant has indicated that vegetation removal, but not the removal of trees may be required in order to install and access the gangway from the driveway as planned. The applicant has proposed the replacement of vegetation at a 1:1 ratio. The proposed replacement ratio is adequate for the project. The applicant shall replant native riparian vegetation elsewhere along the river bank on his property in order to mitigate the removal of this vegetation at a 1:1 ratio. **(Condition 5)**

The applicant provided, as part of testimony received during the public hearing of August 25, 2015, Exhibit Q, which provides some information regarding the how the installation might affect scenic qualities.

Other conditions are addressed as part of staff review of FCC 10-19-3 and 10-19-6.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

J. Public health, safety and general welfare.

The applicant has proposed the removal of 37 derelict creosote piles. Nearby residents have provided testimony that this area regularly receives floating woody debris.

The applicant has not addressed how the removal of derelict piles will affect the river's course and effect on the Spruce Point shoreline. The applicant has stated only that no change in the contours of the adjacent shoreline was expected. Staff asked for further input from state and federal agencies which may have more experience with this type of project than City staff. Erosion concerns were not mentioned in comments received from these agencies and the applicant's contractor (Exhibits O, R, P, and S). While public testimony cited concerns with potential erosion the testimony did not provide evidence that erosion could occur in conjunction with the pile removal. There is therefore nothing for the applicant to rebuke.

TITLE 10: CHAPTER 7: SPECIAL DEVELOPMENT STANDARDS

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas

- A. "Hazards Map", Florence Comprehensive Plan Appendix 7.**
- B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)**

The proposed site is identified as the location of river cutbanks on the "Hazards Map", Florence Comprehensive Plan Appendix 7 and the location of "Dunal Sands" as part of the "Soils Map (Map C)", Florence Comprehensive Plan Appendix 7.

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

- A. **Special Flood Hazard Area:** All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.
- B. **River Cutbanks:** No building shall be permitted within fifty feet (50') from the top of a river cutbank.
- E. **Ocean Flooding, Tidal Flooding, Tsunami:** (See subsection A above, Special Flood Hazard Area).
- G. **Active Dune Sands:** Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

The applicant has proposed a project in an area with all of the above identified hazards. The applicant has submitted the required Phase I Site Investigation Report.

10-7-5: SITE INVESTIGATION REPORTS (SIR):

- A. **Areas identified in Section 2 and 3 above,** are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence.

No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or
2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

- B. Permit Fee:** A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.

The applicant has submitted a Phase I Site Investigation Report for review. The applicant has found that the conditions identified in FCC 10-7-2 do not currently exist on-site and so no Phase II Site Investigation has been conducted nor is it warranted.

10-7-6: REVIEW AND USE OF SITE INVESTIGATION REPORTS

- A.** The Phase I Site Investigation Report shall be reviewed administratively. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

The Phase I Site Investigation Report has been written and investigation conducted by Greg Swenson, applicant's representative and Senior Scientist and Project Manager at PBS Engineering and Environmental. The SIR states that river

cutbanks, active dunal sands, and ocean and river flooding are not present at the site. The applicant includes photographs depicting the shoreline at the property and upriver, showing armored river banks in the location in question. The applicant states that while the site is within the 100-year floodplain, the project (minus pilings) will be above the area of flooding and will not include any habitable space.

TITLE 10: CHAPTER 10: RESTRICTED RESIDENTIAL DISTRICT

TITLE 10: CHAPTER 19: ESTUARY, SHORELANDS, AND BEACHES & DUNES

10-19-1: ESTUARY DISTRICT ADMINISTRATION**A. Applicability**

1. The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding “management units.” In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.
2. Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.

B. Resource Capability Assessment:

1. **Purpose:** Uses Requiring a Special Use Permit (Administrative Review) or Conditional Uses in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

The proposed project is located within the Conservation Estuary District, therefore a Resource Capability Assessment is required. A Resource Capability Assessment was submitted by Greg Swenson of PBS Engineering and Environmental on July 10, 2015.

2. **Definition of Resource Capability Assessment:** An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

- b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.**

It is currently unknown what impacts this proposal will have to long-term renewable resources, natural biologic productivity, or aquaculture. It is likely that this proposal, if approved, will contribute to the water-dependent recreational enjoyment of the Siuslaw River by the property owner. The applicant has provided information related to the proposal's impact on the aesthetic value of the estuary, but no further analysis of consistency with the Visual Management Plan.

- 3. Identification of Resources and Impacts: The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.**

- a. The type and extent of alterations expected.**

The applicant states in their Resource Capability Assessment (RCA) (**Exhibit C**) that the proposed project will add nine permanent piles to support the boat lift and gangway, but will remove 37 derelict creosote-treated piles and the debris contained amongst them from the waterway as mitigation.

- b. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.**

The applicant states that there are no wetlands or probable wetlands within the project area. This assessment matches those included in the Florence Area Local Wetlands and Riparian Inventory. The applicant identified that there were no eelgrass beds observed within or near the project area. The applicant has not identified cultural resources within the project area.

The RCA identifies that the project takes place within state-regulated waters and includes habitat for Endangered Species Act, but that the project has been designed

to minimize impacts to sensitive species. The applicant has not inventoried affected resources within the Resource Capability Assessment, but has provided some of that information within the Joint Permit Application. According to the applicant's JPA, some listed species include: Oregon Coast Coho, Southern Pacific eulachon, Southern green sturgeon, fall-run Oregon Coast Chinook salmon, Oregon Coast winter-run steelhead, and Pacific Lamprey. No other species, such as birds, crustaceans, mollusks, or other benthic organisms or fish were listed by the applicant.

- c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.**

The applicant states that impacts to the water quality and physical characteristics of the estuary and living resources are expected to be minimal. The applicant has proposed that shade produced by the grated gangway, piles, and boatlift will be minimal and transitory. The applicant also states that effects on navigation of the river will be minimal.

- d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.**

The applicant has proposed that no excavation or fill will be necessary and no treated wood piles will be used in order to minimize impacts to local ecology. The pile driving equipment will be clean and properly maintained in order to prevent spills into the river and clean-up equipment will be readily available. The applicant states that a floating dock was removed from the proposal in order to remove impacts from shading and deterrents to piscivorous birds will be installed.

- 4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit or Conditional Use Permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.**

Comments have been received from resource agencies at the time of this report and have been included as Exhibits O, P, and S.

5. **Resource Capability Findings:** Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:
 - a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or
 - b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or
 - d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

Comments from ODFW have been included as Exhibit O. Jason Kirchner of ODFW did not have any concerns regarding the ability of the estuary to absorb and benefit from the proposed project.

10-19-3: CONSERVATION ESTUARY DISTRICT (CE):

- A. **Purpose and Extent:** The purpose of the Conservation Estuary District (CE) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE District are defined by natural features. The CE District includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary District (NE). This District also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the City Zoning Map as specified by this Title.
- D. **Conditional Uses:** The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, upon affirmative findings

that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District, and upon satisfaction of all of the applicable criteria in F and G, and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

2. **Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.**

The purpose of the Conservation Estuary District is met. The proposed use is a water-dependent recreational use which does not require dredge or fill of the estuary. The proposed gangway and boatlift will be secured upon pilings and two mooring buoys are proposed. This use is appropriate for the Conservation Estuary district through approval of a conditional use permit application.

- E. **A use or activity is consistent with the resource capabilities of Conservation Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.**

The use is proposed to have minimal impacts on estuarine species, habitats, biological productivity, and water quality. The applicant has proposed the removal of existing pilings as mitigation for the installation of new pilings.

Comments from ODFW have been included as Exhibit O. Jason Kirchner of ODFW did not have any concerns regarding the ability of the estuary to absorb and benefit from the proposed project.

- F. **Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit or Conditional Use Permit in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:**

1. **no feasible alternative upland locations exist;**

The applicant has submitted testimony that the applicant's vessel will be too large to practically be stored upland or removed from the water at a public boat launch and will also be too tall to pass under the Siuslaw River Bridge without requiring the lifting of the drawbridge.

2. **the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources,**

recreation and aesthetic use, and other uses of the estuary allowed in B, C, and D above;

The proposal minimizes impacts on water quality and other physical characteristics of the estuary, as well as living resources. The proposal creates increased recreational use of the estuary and has a minimal impact on the aesthetic use of the estuary.

- 4. dredge or fill activities must be mitigated, if found to be subject to the mitigation requirement in state law, by creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary such as its natural biological productivity, habitats and species diversity, unique features and water quality; and**

The applicant has proposed mitigation for this project in the removal of 37 wooden piles in the Bay Street right-of-way. Public testimony has stated that removal of these piles may affect a local ecosystem and the flow and function of the river, while also creating greater erosion to their properties.

Comments from ODFW have been included as Exhibit O. Jason Kirchner of ODFW did not have any concerns regarding the ability of the estuary to absorb and benefit from the proposed project.

- 5. all federal and state permit requirements, including mitigation requirements, are met as a condition of approval.**

The applicant has applied for an Individual Permit from the Department of State Lands and has submitted an application to the Army Corps of Engineers, the two jurisdictional agencies in the Siuslaw River. The applicant has not received approval from these agencies. The applicant shall receive approval from all applicable jurisdictional agencies, including, but not limited to the Department of State Lands and Army Corps of Engineers prior to commencing construction. The applicant shall also abide by all conditions of the approvals issued by all applicable jurisdictional agencies. (Condition 8)

G. Public and private piers and docks, shall meet the following additional criteria:

- 1. The size and shape shall be limited to that required for the intended use.**
- 2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.**

3. **For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint use facility.**

The proposed boatlift and gangway appear to be the minimal needed for the applicant's use. The applicant has proposed a 3-foot wide gangway and what may be the minimum required size of boatlift to accommodate the applicant's boat. The applicant has provided some testimony that there are no other alternatives to the proposed dock and pier, but has not attested in writing other than a statement that the boat would require the raising of the drawbridge and a verbal statement that the vessel was too large to use existing facilities.

The applicant shall attest in writing that there are no other alternatives to the proposed structure and that it is not possible to use an existing pier or dock to work with other property owners to establish a joint use facility. **(Condition 9)**

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 5: OPEN SPACES AND SCENIC, HISTORIC, AND NATURAL RESOURCES

SCENIC RESOURCES AND VISUAL QUALITY

POLICY 1. Important scenic views of the river, dunes, ocean and jetty area shall be identified and protected. Key scenic resources were identified by the Florence Visual Management Plan, and are shown on Map 5-H1. During pre-application conferences, and review by the Planning Commission/Design Review Board, strong consideration shall be given to designing of proposed development to maintain view corridors identified scenic resources. This is particularly important in Old Town and along the river shoreline. The use of scenic easements shall be researched, and implemented, if appropriate. Development on the Siuslaw Estuary shall be in conformance with the Lane County Coastal Resources Management Plan.

The proposed boatlift and gangway are directly across the Siuslaw River from Scenic Resource 6 as identified in Map 5-H1 of the Florence Comprehensive Plan. The proposed boatlift and gangway are not dissimilar in appearance to existing docks and piers both upriver and downriver from the project site. However, the proposed project could affect protected views of the river from public property. The applicant has submitted testimony regarding the estimated appearance of boatlift and gangway and its appearance from certain views.

If the Planning Commission is satisfied by the materials submitted by the applicant and the effect of the construction and presence of the boat and boatlift on Scenic Resource 6, the Planning Commission should motion to remove Condition 11. If the Planning Commission is not satisfied by the materials submitted by the applicant,

staff recommends that the applicant submit further visual aids to assist the Planning Commission that provide an overall view of the site from neighboring properties and right-of-ways.

HISTORIC RESOURCES

Historic Resources Background Narrative

In addition to buildings and structures, there are historic sites. The site of the Ferry landing, and the pilings in the river which were part of early logging operations in the community are part of the town's history. A new booklet documenting the historic cemeteries of the area was completed in 2000. There is supposedly an historical marker on Rhododendron near the intersection with 9th Street. Native American artifacts have been located at several sites in the area. There are undoubtedly other sites that are not mentioned here.

As mentioned in testimony provided by nearby property owners, the site is the former location of a sawmill at Spruce Point. This site was not specifically mentioned within the Florence Comprehensive Plan, but logging operations were stated to be part of the town's history and pilings in the river (mentioned generally) are a relic of that history.

Staff ~~is~~ requested continuance of the public hearing held on August 25, 2015 in order to obtain more information from the Siuslaw Pioneer Museum on the claims made by public testimony regarding the historic merit of these pilings at Spruce Point as well as to continue research regarding the historic cemetery in the area in order to provide a more complete picture for the Planning Commission. Staff also requested that the applicant attempt to research these issues as well and add supplemental testimony to their RCA addressing these issues.

Research by the Siuslaw Pioneer Museum is attached as **Exhibit N**. The articles found do not paint a clear picture as to the ownership of this sawmill or its role in early Florence. The applicant did not submit any research regarding this issue or attempt to add supplemental testimony to their RCA.

CHAPTER 16: SIUSLAW RIVER ESTUARINE RESOURCES

POLICY 3. This Plan and the implementing Code shall provide for appropriate uses, including preservation, with as much diversity as is consistent with the Siuslaw Estuary's classification as a Shallow Draft Development Estuary by the Oregon Estuary Classification, as well as with the biological, economic, recreational, and aesthetic benefits of the estuary.

POLICY 4. This Plan shall protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality.

The applicant has proposed that the project will have little to no impact on the estuary and the estuarine ecosystem and will not affect the natural biological productivity, habitat, diversity, unique features, or water quality of the Siuslaw River.

POLICY 5. Actions which could potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. The assessment shall include information on the following:

- a. the type and extent of alterations expected;**
- b. the type of resource(s) affected;**

The applicant has provided information regarding the type and extent of alterations expected and the resources affected. The applicant has submitted a Resource Capability Assessment that concluded that the proposal will have little impact upon the estuarine ecosystem and will not affect the estuary's biological resources.

- c. the expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other allowed uses of the estuary; and**

Work performed during the "in-water work period" will have a temporary impact to water quality. Temporary negative impacts should be minimal and steps will be taken to prevent impacts, especially permanent, to the Siuslaw estuary. Positive impacts to recreational and estuarine living resources outweigh temporary negative impacts.

- d. the methods which could be employed to avoid or minimize adverse impacts.**

The applicant proposes a structure which will be in-water and over-water and require fill of the river. The applicant has proposed the minimal amount of fill required to support the structure.

The impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other allowed uses of the estuary are proposed to be minimal.

POLICY 7. Restoration is appropriate in areas where activities have adversely affected some aspect of the estuarine system, and where it would contribute to a greater achievement of Statewide Planning Goal 16. Appropriate sites include areas of heavy erosion or sedimentation, degraded fish and wildlife habitat, anadromous fish spawning and rearing areas, abandoned diked estuarine marsh areas, and areas where water quality restricts the use of

estuarine waters for fish and shellfish harvest and production, or for human recreation.

The applicant has identified on-site mitigation of estuarine impacts and restoration of the estuarine system through the removal of 37 pilings within the Bay Street right-of-way.

Comments from ODFW have been included as Exhibit O. Jason Kirchner of ODFW did not have any concerns regarding the ability of the estuary to absorb and benefit from the proposed project.

POLICY 11. Removal and fill activities shall, where possible, avoid impacts to archaeological resources. Unavoidable impacts to tribal archaeological resources shall be mitigated in consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. Mitigation may include data recovery (archaeological excavation), capping, or other appropriate methods of preserving the archaeological value of the site.

The applicant shall consult with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians in order to attempt to mitigate or avoid impacts to archaeological resources. Any resources encountered during installation of piles, or construction of the gangway or boatlift shall be immediately reported to the applicable CTCLUSI representative and the State Historic Preservation Office and work ceased immediately until authorized to continue by a State or Tribal preservation specialist. (Condition 13)

POLICY 12. When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effect shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained. This Comprehensive Plan shall designate specific sites for mitigation which generally correspond to the types and quantity of intertidal area proposed for dredging or filling, or make findings demonstrating that it is not possible to do so. These mitigation sites shall be protected through application of the Dredged Materials/Mitigation Sites Overlay District in Florence City Code, inside city limits, and in Lane Code, outside city limits. Mitigation activities may include the use of mitigation banks, consistent with relevant policies in this Plan and the Florence City Code.

The applicant is adding fill to the Siuslaw River in the form of pilings. The applicant is proposing the removal of 37 pilings as mitigation for the addition of 9 pilings.

POLICY 13. In addition to the goals, policies, and recommendations in this Chapter, provisions in Chapter 7, Development Hazards and Constraints, and Florence City Code Title 10, Chapter 7: Special Development Standards shall also apply as they relate to river cutbanks and erosion along the estuary.

Special hazards such as river cutbanks have been addressed as part of staff review of FCC 10-7, but the applicant has not addressed concerns of erosion along the estuary as a result of the proposed mitigation of pile removal.

POLICY 14. The Management Units (MUs) Natural Estuary, Conservation Estuary, and Development Estuary, as described in this Chapter of the Comprehensive Plan, shall apply to the estuary within the Florence UGB as shown in “Map 17-1: Estuary and Coastal Shoreland Management Units in the Florence UGB.”

Implementation requirements in Lane Code Chapter 10 Zoning Districts shall apply to these MUs within the Florence UGB, outside city limits; and Florence City Code Title 10, Chapter 19, shall apply within Florence city limits.

POLICY 15. The general priorities (from highest to lowest) for management and use of the estuarine resources, as implemented through the Management Unit designation and permissible use requirements shall be:

- a. Uses which maintain the integrity of the estuarine ecosystem
- b. Water-dependent uses requiring estuarine location, as consistent with the Shallow Draft Development Estuary classification
- c. Water-related uses which do not degrade or reduce the natural estuarine resources and values
- d. Non-dependent, nonrelated uses which do not alter, reduce, or degrade estuarine resources and values.

POLICY 17. In Conservation Estuary Management Units, the following additional policies shall apply: (...)

These Comprehensive Plan criteria have been addressed as part of criteria for FCC 10-19-3.

VI. ALTERNATIVES

1. Approve the application based on the findings of compliance with City regulations.
2. Modify the findings, reasons or conditions, and approve the request as modified.
3. Deny the application based on the Commission’s findings.
4. Continue the Public Hearing to a date certain if more information is needed.

VII. CONCLUSIONS AND RECOMMENDATIONS

Though neither the applicant nor those submitting testimony in opposition have submitted evidence fully answering the question of possible erosion. Without reasonable evidence that this erosion will occur, that the pilings are a historical resource, or that the area supports a niche ecosystem, staff cannot recommend denial of this proposal. State and federal agencies also appear to be in concurrence that erosion is either not an issue or something that will be addressed during their respective permit processes and that the ecosystem will benefit from the removal of these pilings.

In addition, in consultation with the City Attorney, because the City is not removing the pilings nor was the City the party that placed them in their current position, there is little concern for future liability on the City's part for any erosion that may occur. Should those submitting testimony in opposition to the proposal who have cited the possibility of erosion submit evidence validating those concerns, it would be reasonable to require the applicant to submit a study regarding the issue. Nevertheless, at this time staff finds that the supposition that erosion may occur is not a reason for denial of this application.

Staff recommends approval of the application based on the findings of compliance with City regulations.

VIII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

- "A" *Findings of Fact*
- "B" Land Use Application & Phase I SIR
- "C" Resource Capability Assessment
- "J" SHPO Referral Comments
- "M" Revised Joint Permit Application

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. **Conditional Use Permit**

- 3.1. The conditional use permit shall become effective at the close of the appeal period.
- 3.2. The authorization of the conditional use permit shall be effective for one-year, ending on October 27, 2016.
- 3.3. The discontinuance of the conditional use shall be considered the inability of the structure to continue functioning for its intended purpose. Discontinuance of the approved use shall be subject to revocation of the conditional use permit as defined in FCC 10-4-9.
- 3.4. The proposed gangway and boatlift shall comply with the prescribed requirements of the conditional use permit, as outlined in these findings. Violation of any provisions of this title by the proposed structure and/or users of the proposed structure may cause the revocation of the conditional use permit.

- 3.5. While the structure serves mobile watercraft, the cessation of activities on the structure, i.e. the structure no longer serving those craft, shall not be considered the cessation of the use for which the permit was granted. The cessation of the use for which the permit has been granted shall be dependent upon the useable status of the structure. The structure falling into disrepair or losing authorization from the State for six consecutive months or 18 months during any three-year period shall constitute a cessation of approved use. The structure becoming a nuisance or detriment to the public health, safety, or general welfare for any period of time shall also constitute the cessation of use. Revocation of the conditional use permit shall take place after notice and public hearing per FCC 10-4-9.
4. The applicant shall obtain a Private Use of Public Right-of-Way agreement and the appropriate needed lease agreements and submit copies to the Florence Planning Department prior to beginning mitigation or construction of the gangway and boatlift.
 5. The applicant shall replant native riparian vegetation elsewhere along the river bank on his property in order to mitigate the removal of this vegetation at a 1:1 ratio.
 6. Vibratory pile driving shall be limited to weekday, daylight hours, specifically 8:00 AM to 5:00 PM Monday through Friday during the period of November 1 to February 15 in accordance with ODFW guidelines. Noise and vibration from equipment utilized for installation shall last no more than four (4) hours at a time. The site must be kept clean. Equipment maintenance and repair must be accomplished on-shore unless otherwise required to prevent discharge of fuels and other liquids into the estuary. The applicant shall keep and maintain spill kits on-site during installation. The applicant will be solely responsible for any damage caused during the pile driving. Noise, vibration, smoke, dust, odor, high-intensity light and electrical interference will not be allowed from the proposed gangway and boatlift following installation as none of these conditions are a requirement of the operation of the facility.
 7. The proposed boatlift is permitted only as an accessory use to a residential use in the Restricted Residential District and may not be used in any way for commercial or business purposes.
 8. The applicant shall receive approval from all applicable jurisdictional agencies, including, but not limited to the Department of State Lands and Army Corps of Engineers prior to commencing construction. The applicant shall also abide by all conditions of the approvals issued by all applicable jurisdictional agencies.
 9. The applicant shall attest in writing that there are no other alternatives to the proposed structure and that it is not possible to use an existing pier or dock to work with other property owners to establish a joint use facility.

10. Any lighting must be approved by staff prior to installation. A lighting plan shall be submitted meeting the requirements of FCC 10-37-3.
11. The applicant shall submit testimony with visuals providing evidence to the appearance of the boatlift and gangway with a boat of the maximum size serviceable by the lift in order to determine whether the final appearance of the boatlift will affect Scenic Resource 6 from neighboring properties and public right-of-ways.
12. Leaks and contaminant spills during construction shall be the responsibility of the applicant. Leaks and contaminant spills after construction emanating from the applicant's property shall also be the responsibility of the applicant.
13. The applicant shall consult with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians in order to attempt to mitigate or avoid impacts to archaeological resources. Any resources encountered during installation of piles, or construction of the gangway or boatlift shall be immediately reported to the applicable CTCLUSI representative and the State Historic Preservation Office and work ceased immediately until authorized to continue by a State or Tribal preservation specialist.

Informational

1. An electrical permit is required for any electrically-powered boat lift.

IX. EXHIBITS

"A" Findings of Fact
"B" Land Use Application and Phase I SIR
"C" Resource Capability Assessment
"D" Joint Permit Application – 58362-FP
"E" Vern and Deanna Oremus Testimony
"F" Mark and Cynthia Chandler Testimony
"G" SVFR Referral Comments
"H" DSL Referral Comments
"I" ODFW Initial Comments
"J" SHPO Referral Comments
"K" John and Tammy Schafer Testimony
"L" Historic Cemeteries Program Referral Comments
"M" Resubmitted Joint Permit Application
"N" History Research Information
"O" Additional Comments by ODFW
"P" Additional Comments by DSL
"Q" Aug. 25, 2015 Hearing Testimony – Larry Porter
"R" Billeter Marine Continuance Testimony
"S" USACE Continuance Testimony



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department

Oregon Commission on Historic Cemeteries

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0685

Fax (503) 986-0793



August 18, 2015

Glen Southerland
City of Florence
Community Development Department
250 Hwy 101
Florence, OR 97439

Re:

RESOLUTION PC 15 16 CUP 09 – Porter Boatlift

Mr. Southerland:

I am the coordinator of the Oregon historic cemeteries program, part of Heritage Programs of Oregon Parks and Recreation Department. Our program coordinates the work of the Oregon Commission on Historic Cemeteries. Thank you for notifying the commission on the Porter Boatlift project.

Historic record indicates that there was a cemetery in or near the area of the work to be completed on the boatlift. There should be a plan in place in case human remains are discovered during the course of work. Should this occur all work must stop to address the human remains. Also, at this point the location would be an archaeological site and the property owner must contact that State Archaeologist, Dennis Griffin, at Dennis.Griffin@oregon.gov or 503-986-0674.

Please contact me at (503) 986-0685 or kuri.gill@oregon.gov if you have questions.

Sincerely,

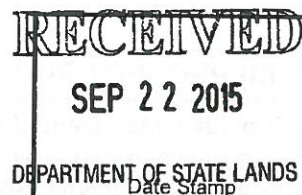
Kuri Gill
Historic Cemeteries Program Coordinator
(503) 986-0685
Kuri.Gill@oregon.gov



EXHIBIT L



Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.



	U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands
Corps Action ID Number		DSL Number 58362 Revised	

(1) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Contact Name	Larry Dean Porter	See Attachment 1	N/A
Business Name			
Mailing Address 1	Post Office Box 2648		
Mailing Address 2			
City, State, Zip	Florence, Oregon 97439		
Business Phone	(503) 763-6659		
Cell Phone	(503) 510-3697		
Fax	(503) 763-6672		
Email	larry@solvit-international.com		

(2) PROJECT INFORMATION

A. Provide the project location.

Project Name	Tax Lot #	Latitude & Longitude*	
Porter Boat Lift	304, 400, 500 & Bay Street Right-of-Way	43.973102, -124.121498 WGS84	
Project Address / Location	City (nearest)	County	
100 Rhododendron Drive	Florence	Lane	
Township	Range	Section	Quarter/Quarter
18S	12W	27	SW, SW

Brief Directions to the Site
Rhododendron Drive west from downtown Florence. Project area is on the left as the road turns north.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☒ River / Stream
 ☐ Non-Tidal Wetland
 ☐ Lake / Reservoir / Pond
 ☒ Estuary or Tidal Wetland
 ☐ Other
 ☐ Pacific Ocean

Waterbody or Wetland Name**	River Mile	6 th Field HUC Name	6 th Field HUC (12 digits)
Siuslaw River	3.5	Bernhardt Ck.-Siuslaw R.	171002060804

C. Indicate the project category. (Check all that apply.)

☐ Commercial Development
 ☐ Industrial Development
 ☐ Residential Development
 ☐ Institutional Development
 ☐ Agricultural
 ☒ Recreational
 ☐ Transportation
 ☒ Restoration
 ☐ Bank Stabilization
 ☐ Dredging
 ☐ Utility lines
 ☐ Survey or Sampling
 ☒ In- or Over-Water Structure
 ☐ Maintenance
 ☐ Other:

Exhibit M

* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").

(3) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The purpose of the overall project is to construct a new private boat lift, gangway, and two mooring buoys near the applicant's residence. The lift is needed to securely dock and elevate the applicant's boat out of the water. The gangway is needed to create a walkway from the applicant's residence to the boat lift. The mooring buoys are needed to secure the applicant's boat while on the water. The proposed project is a water-dependent use in the estuary and is not located in a Marine Reserve or Marine Protected Area.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical and biological characteristics of each wetland or waterway. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

The project area is on the north bank of the Siuslaw River at approximate river mile 3.5. The Siuslaw River has perennial year-round flow and is tidally influenced in the vicinity of the project area. The U.S. Fish and Wildlife Service National Wetland Inventory identifies the shoreline of the Siuslaw River as E2USN (estuarine, intertidal, unconsolidated shore, regularly flooded Cowardin class) and the deeper water area as E1UBL (estuarine, subtidal, unconsolidated bottom, subtidal Cowardin class). Both the E2USN tidally inundated areas and E1UBL permanently inundated areas lack aquatic and tidal marsh vegetation. The substrate is mostly sandy. The upland / shoreline interface is abrupt due to the existence of old fill and exposed rock that creates an embankment at the applicant's back yard. Common woody vegetation on the embankment consists of rhododendron, salal, and shore pine, some of which may have been planted as landscaping. No freshwater wetlands occur within the project area. The river's channel is over 1,000 feet wide and the NOAA Siuslaw River nautical chart shows depths up to approximately 10 feet (MLLW datum) in the project area. The NOAA nautical chart also shows the navigation channel over 550 feet southwest of the project area.

The river's functional attributes in the vicinity of the project area are relatively limited. Hydrologic functions for surface water storage are minimal due to the constant flow of the river. Subsurface / surface transfer hydrologic functions occur in the watershed but no evidence of significant subsurface or surface flow was observed in the project area. Flow variations associated with daily tidal flux and seasonal and inter-annual climatic patterns are important for sediment dynamics and life cycles of aquatic organisms. Geomorphic functions associated with channel character and sediment transport appear to be intact and typical for the estuary; evidence of erosion, deposition, or impediments to sediment movement was not observed within the project area. The river supports biologic functions such as a variety of life forms, in-channel habitat for native species, and food production; however, these functions within the project area are minimal compared to the greater river. Chemical and nutrient functions are presumably intact but a specific analysis was not conducted for the purpose of this application. The shoreline of the estuary is not heavily impacted by development, therefore the risk of contaminated sediments within the project area appears to be minimal. Thermal regulation functions associated with overhanging riparian vegetation are minimal due to the wide channel of the river. There do not appear to be any sources of atypically warmed water within the project area.

According to StreamNet, NOAA, and USFWS, the Siuslaw River is known to provide critical habitat to the Oregon Coast Coho ESU (Endangered Species Act (ESA): listed threatened; critical habitat in project area: designated) as well as habitat for other anadromous fish such as the Southern Pacific eulachon (ESA: listed threatened; critical habitat in project area: not designated), Southern green sturgeon (ESA: listed threatened; critical habitat in project area: not designated), fall-run Oregon Coast Chinook salmon ESU (ESA: not listed), the Oregon Coast winter-run steelhead DPS (ESA: not listed), and Pacific Lamprey (ESA: not listed). A variety of other species such as birds, marine and freshwater fish, crustaceans, mollusks, and other benthic organisms are also potentially present within the study area throughout the year. Many species are abundant; however, the Oregon Coast Coho ESU stocks are low by historical standards. Due to the abundant habitat and functional attributes along the river, the project area appears to lack unique significance. The project would not impact Oregon's Territorial Sea.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

B. Describe the existing navigation, fishing and recreational use of the waterway or wetland.

The Siuslaw River is an important waterway for navigation, fishing, and recreational use. The navigation channel is maintained over 550 feet southwest of the project area. Fishing is conducted along the entire mainstem of the river but especially in the upper mainstem and tributaries. Recreational boating also occurs along the entire reach of the river. The project area is near the mouth which allows boating access to the Pacific Ocean.

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland.

The proposed project is a water-dependent use in the estuary. The project is designed to minimize impacts to listed fish and aquatic habitat by using small-diameter steel piles rather than treated wood and conducting in-water work during the Oregon Department of Fish and Wildlife recommended in-water work period (November 1-February 15). The following alternatives were considered but determined to be impracticable for the intended use:

1. A floating dock was initially planned to be attached to the boat lift. Due to estuary impacts associated with shading, the dock was removed from the proposal. The boat lift is currently designed to the minimum size and shape required for the intended use.
2. Two mooring buoys are proposed as part of the project. The buoys are sufficient to tie off the applicant's boat while on water but do not achieve the objective of raising the boat out of the water.
3. Due to the limited size of the applicant's property, construction of dryland storage is not feasible.
4. The closest existing location to the applicant's residence to launch a boat is the Port of Siuslaw Marina. The Marina is upriver of the Siuslaw River Bridge (Highway 101). Due to the size of the applicant's boat downriver navigation cannot occur unless the Highway 101 drawbridge is open.
5. The applicant considered moving the boat lift closer to shore to minimize the length of the gangway. This alternative was dismissed because of the regulatory design standards associated with the Endangered Species Act (Standard Local Operating Procedures for Endangered Species (SLOPES) IV – In-water Over-water Structures). The design standard emphasizes construction of this nature in deeper water to minimize shade and other impacts in the shallow water and intertidal areas. The National Marine Fisheries Service indicated that they would not support moving the lift closer to shore.

(6) PROJECT DESCRIPTION

A. Briefly summarize the overall project including work in areas both in and outside of waters or wetlands.

The gangway would be anchored on the existing upland concrete pad next to the applicant's driveway. Construction in waters consists of 2 mooring buoys and 9 permanent new steel piles driven to support the lift and aluminum gangway. The 8 piles in the subtidal area would occupy 6.28 square feet and the 1 pile in the intertidal area would occupy 0.785 square feet. Because the piles will be driven from a barge, the volume of ground disturbance is minimal. The mooring buoys consist of about 8 feet of steel chains each and steel hardware, pre-cast concrete block sinkers (approximately 2 feet by 2 feet by 3 feet each), rope pennants, and plastic floats (approximately 24-inch diameter each). No treated wood will be used during the project. As mitigation for the new piles, approximately 37 derelict creosote piles will be extracted with a vibratory hammer or, if broken or intractable, cut off 3 feet below the mud line. Extracted or cut piles will be placed into a containment bin and disposed of by the contractor at a DEQ-approved disposal site or public landfill. No impervious surface such as asphalt or concrete will be created or modified for the project.

(6) PROJECT DESCRIPTION

B. Describe work within waters and wetlands.

The published upper limit of State of Oregon jurisdiction at the Siuslaw River – Florence station is 10.40 feet (NAVD88 datum). According to Department of Geology and Mineral Industries light detection and ranging (LiDAR) data, 10.40 feet occurs at the embanked area adjacent to the applicant's residence. All piles for the lift and gangway and the mooring buoys would be constructed below the 10.40 foot (NAVD88 datum) highest measured tide elevation. For U.S. Army Corps of Engineers jurisdictional purposes, the U.S. Coast Guard-reported mean higher high water (i.e., "High Tide Line") elevation is 7.41 feet (NAVD88) and the mean high water elevation is 6.77 feet (NAVD88). These elevations correspond to an embankment at the upland / shoreline interface.

The proposed gangway is a aluminum grate approximately 3 feet wide. The proposed boat lift is aluminum beam construction with approximate dimensions of 35 feet by 25 feet. The entire structure would be supported by 9 piles. Each pile would be 25 to 40 feet in length and 12 inches in diameter (area = 0.785 square feet per pile) driven into the riverbed using a vibratory hammer to minimize noise impacts. Each pile would be driven 15 feet into the riverbed for stability. The 8 piles associated with the boat lift structure will be installed approximately 80 to 110 feet riverward from the mean high tide elevation. All 8 of these piles will be partially inundated at high and low tides. The 1 pile associated with the gangway will be driven approximately 50 feet riverward from the mean high tide elevation. The gangway pile will only be inundated at high tide. No excavation or fill placement is required during pile driving, therefore, turbidity is expected to be minimal. For in-water work, a surface boom will be installed to isolate the work area and capture floating debris. Pile driving equipment will be clean and properly maintained to minimize the chance of contaminant spills. Deterrents will be installed to prevent perching by piscivorous birds.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

All piles will be driven with a vibratory hammer from a floating barge. Spill kits and booms will be available in case of a fuel or hydraulic fluid leak. The gangway attachment in the uplands near the applicant's residence will be constructed using equipment such as a Bobcat and small excavator. Standard land-based BMP's will be used for erosion control.

D. Describe source of fill material and disposal locations if known.

No fill material will be discharged within jurisdictional waters during the project. Extracted or cut piles will be placed into a containment bin and disposed of by the contractor at a DEQ-approved disposal site or public landfill.

(6) PROJECT DESCRIPTION

E. Construction timeline.

What is the estimated project start date? November 1, 2015

What is the estimated project completion date? February 15, 2016

Is any of the work underway or already complete?

☐ Yes ☒ No

If yes, describe.

N/A

F. Fill Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name *	Fill Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Siuslaw River (Nine pilings)	14.4229 avg. below HMT	2.658 avg. below HMT	2.658 avg. below HMT	7.065 sq. ft.	3.7740 below HMT	Permanent	Steel pilings
Siuslaw River (Two moorings)	16 below HMT (chains)	4 below HMT (floats)	2 below HMT (floats)	8 sq. ft.	0.01 below HMT	Permanent	Steel, rope, plastic
Siuslaw River (Two mooring sinkers)	4 below HMT	4 below HMT	6 below HMT	12 sq. ft.	3.6 below HMT	Permanent	Concrete
Please note: dimensions shown above are for the structural elements (i.e., steel pilings and mooring buoys) of the project. No discharge of fill pursuant to Section 404 of the Clean Water Act will occur. The State of Oregon regulates steel pilings and mooring buoys as "fill" under the removal-fill law.							
G. Total Fill Volumes and Dimensions							
Fill Impacts to Waters				Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)	
Total Fill to Wetlands				N/A	N/A	N/A	
Total Fill Below Ordinary High Water				N/A	N/A	N/A	
Total Fill Below <u>Highest Measured Tide</u>				7.3663 ft. avg.	27.065 sq. ft. avg.	7.384	
Total Fill Below <u>High Tide Line</u>				4.2763 ft. avg.	27.065 sq. ft. avg.	4.287	
Total Fill Below <u>Mean High Water Tidal Elevation</u>				3.6363 ft. avg.	27.065 sq. ft. avg.	3.645	
Please note: volumes and dimensions shown above are for the structural elements (i.e., steel pilings and mooring buoys) of the project. No discharge of fill pursuant to Section 404 of the Clean Water Act will occur. The State of Oregon regulates steel pilings as "fill" under the removal-fill law.							
H. Removal Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name*	Removal Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
N/A							
I. Total Removal Volumes and Dimensions							
Removal Impacts to Waters				Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)	
Total Removal to Wetlands				N/A	N/A	N/A	
Total Removal Below Ordinary High Water				N/A	N/A	N/A	
Total Removal Below <u>Highest Measured Tide</u>				N/A	N/A	N/A	
Total Removal Below <u>High Tide Line</u>				N/A	N/A	N/A	
Total Removal Below <u>Mean High Water Tidal Elevation</u>				N/A	N/A	N/A	
* If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A"). ** Indicate the days, months or years the fill or removal will remain. Enter "permanent" if applicable. For DSL, permanent removal or fill is defined as being in place for 24 months or longer. *** Example: soil, gravel, wood, concrete, pilings, rock etc.							

(7) ADDITIONAL INFORMATION			
Are there any <u>state</u> or <u>federally</u> listed species on the project site?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within designated or proposed critical habitat?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within a national <u>Wild and Scenic River</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Is the project site within the <u>100-year floodplain</u> ?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes to any of the above, explain in Block 4 and describe measures to minimize adverse effects to these resources in Block 5.			
Is the project site within the <u>Territorial Sea Plan (TSP) Area</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, attach TSP review as a separate document for DSL.			
Is the project site within a designated <u>Marine Reserve</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, certain additional DSL restrictions will apply.			
Will the overall project involve construction dewatering or ground disturbance of one acre or more?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).			
Is the fill or dredged material a carrier of contaminants from on-site or off- site spills?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Has the fill or dredged material been physically and/or chemically tested?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
*If yes, explain in Block 4 and provide references to any physical/chemical testing report(s).			
Has a cultural resource (archaeological) survey been performed on the project area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, provide a copy of the survey with this application. Do not describe any resources in this document.			
Identify any other federal agency that is funding, authorizing or implementing the project.			
Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
N/A			
List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application. For example, certain activities that require a Corps permit also require <u>401 Water Quality Certification</u> from Oregon DEQ.			
Approving Agency	Certificate/ approval / denial description	Date Applied	
City of Florence	Conditional Use Permit		
Oregon DSL	Removal-fill permit		
USACE	Individual or general permit		
NMFS	Biological opinion		
Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)			
<input type="checkbox"/> Work proposed on or over lands owned by or leased from the Corps			
<input type="checkbox"/> State owned waterway	DSL Waterway Lease #		
<input type="checkbox"/> Other Corps or DSL Permits	Corps #	DSL #	
<input type="checkbox"/> Violation for Unauthorized Activity	Corps #	DSL #	
<input type="checkbox"/> Wetland and Waters Delineation	Corps #	DSL #	
<input type="checkbox"/> A wetland / waters delineation has been completed (if so, provide a copy with the application)			
<input type="checkbox"/> The Corps has approved the wetland / waters delineation within the last 5 years			
<input type="checkbox"/> DSL has approved the wetland / waters delineation within the last 5 years			

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

The project would result in the 1) direct, permanent loss of 27.065 square feet of the Siuslaw River bed; and 2) the permanent, direct loss of a small amount of vegetation within the applicant's yard.

B. For temporary removal or fill or disturbance of vegetation in waterways, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction.

No temporary removal or fill or temporary vegetation disturbance are proposed.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

Permittee-
☒ responsible Onsite
Mitigation

Permittee-
☐ responsible Offsite
mitigation

Mitigation Bank or
☐ in-lieu fee program

Payment to Provide
☐ (not approved for use
with Corps permits)

D. Provide a brief description of mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

To offset the impacts associated with the project, 37 derelict piles will be removed. Riparian vegetation removed for construction of the gangway will be replaced in the applicant's yard at a 1:1 ratio.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: N/A

Type of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

☒ Yes. Submit the plan with this application and complete the remainder of this section.

☐ No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #	
Siuslaw River Wood Piling Removal Site	100 Rhododendron Drive Florence, Oregon 97439	City of Florence Bay Street Right-of-Way	
County	City	Latitude & Longitude (in DD.DDDD format)	
Lane	Florence	43.973102, -124.121498 WGS84	
Township	Range	Section	Quarter/Quarter
18 South	12 West	27	SW, SW

(9) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

Pre-printed mailing labels
☒ of adjacent property
owners attached

**Project Site Adjacent Property
Owners****Mitigation Site Adjacent
Property Owners**

Contact Name
Address 1
Address 2
City, ST ZIP Code

Ruth Bahrke
86195 Pine Grove Road
Eugene, OR 97402

Larry Dean Porter
Post Office Box 12666
Salem, OR 97309

Contact Name
Address 1
Address 2
City, ST ZIP Code

Vaccaro Family Trust
911 Rhododendron Drive
Florence, OR 97439

Ruth Bahrke
86195 Pine Grove Road
Eugene, OR 97402

Contact Name
Address 1
Address 2
City, ST ZIP Code

Vaccaro CP Trust
913 Rhododendron Drive
Florence, OR 97439

Vaccaro Family Trust
911 Rhododendron Drive
Florence, OR 97439

Contact Name
Address 1
Address 2
City, ST ZIP Code

Douglas & Shirley Miner
3354 King Edwards Court
Eugene, OR 97401

Vaccaro CP Trust
913 Rhododendron Drive
Florence, OR 97439

Contact Name
Address 1
Address 2
City, ST ZIP Code

William Gary & Carole Jean
Clawson
Post Office Box Z
Florence, OR 97439

Douglas & Shirley Miner
3354 King Edwards Court
Eugene, OR 97401

Contact Name
Address 1
Address 2
City, ST ZIP Code

City of Florence
989 Spruce Street
Florence, OR 97439

William Gary & Carole Jean
Clawson
Post Office Box Z
Florence, OR 97439

Contact Name
Address 1
Address 2
City, ST ZIP Code

Port of Siuslaw
Post Office Box 1220
Florence, OR 97439

City of Florence
989 Spruce Street
Florence, OR 97439

Contact Name
Address 1
Address 2
City, ST ZIP Code

Port of Siuslaw
Post Office Box 1220
Florence, OR 97439

**(10) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations.
- ☐ This project is consistent with the comprehensive plan and land use regulations.
- ☒ This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained:
- ☒ Conditional Use Approval
 - ☐ Development Permit
 - ☐ Other Permit (see comment section)
- ☐ This project is not consistent with the comprehensive plan. Consistency requires:
- ☐ Plan Amendment
 - ☐ Zone Change
 - ☐ Other Approval or Review (see comment section)

An application ☒ has ☐ has not been filed for local approvals checked above.

Local planning official name (print) WENDY FARLEY CAMPBELL	Title PLANNING DIRECTOR	City/County (circle one) FLORENCE
---	----------------------------	--------------------------------------

Signature 	Date August 3, 2015
--	------------------------

Comments:

FCC 10-19-3: Conservation Estuary District - permitted conditionally
10-19-6: Shoreland Residential Overlay District - permitted conditionally


(11) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name Larry Porter	Title Land owner
----------------------------------	---------------------

Signature 	Date August 3, 2015
--	------------------------

(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	\$290
----------------------------	-------

Applicant Signature

Print Name Larry Dean Porter	Title Applicant
---------------------------------	--------------------

Signature	Date
-----------	------

Authorized Agent Signature

Print Name N/A	Title
-------------------	-------

Signature	Date
-----------	------

Landowner Signature(s)**Landowner of the Project Site (if different from applicant)**

Print Name Mike Miller	Title City of Florence Director of Public Works
---------------------------	--

Signature 	Date 8/3/2015
--	------------------

Landowner of the Mitigation Site (if different from applicant)

Print Name Mike Miller	Title City of Florence Director of Public Works
---------------------------	--

Signature 	Date 8/3/2015
--	------------------

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
------------	-------

Signature	Date
-----------	------

(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$290

Applicant Signature

Print Name

Larry Dean Porter

Title

Applicant

Signature

Date

Authorized Agent Signature

Print Name

N/A

Title

Signature

Date

Landowner Signature(s)**Landowner of the Project Site (if different from applicant)**

Print Name

ROBERT FORSYTHE

Title

PORT MANAGER

Signature

Date

SEPT 15 2015

Landowner (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

Signature

Date

(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$

Applicant Signature

Print Name

LARRY PORTER

Title

Applicant - Property Owner

Signature

Date

JUNE 24, 2015

Authorized Agent Signature

Print Name

Title

Signature

Date

Landowner Signature(s)**Landowner of the Project Site (if different from applicant)**

Print Name

Title

Signature

Date

Landowner of the Mitigation Site (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

Signature

Date

(13) ATTACHMENTS

☒ **Drawings (items in bold are required)**

☒ **Location map with roads identified**

☒ **U.S.G.S topographic map**

☒ **Tax lot map**

☒ **Site plan(s)**

☒ **Cross section drawing(s)**

☒ **Recent aerial photo**

☐ Project photos

☐ Erosion and Pollution Control Plan(s), if applicable

☐ DSL/Corps Wetland Concurrence letter and map, if approved and applicable

☒ Pre-printed labels for adjacent property owners (Required if more than 5)

☐ Restoration plan or rehabilitation plan for temporary impacts

☐ Mitigation plan

☐ Wetland functional assessment and/or stream functional assessment

☐ Alternatives analysis

☐ Biological assessment (if requested by Corps project manager during pre-application coordination.)

☐ Stormwater management plan (may be required by the Corps or DEQ)

☐ Other:

☐

☐

Send Completed form to:

**U.S. Army Corps of
Engineers**

ATTN: CENWP-OD-GP

PO Box 2946

Portland, OR 97208-2946

Phone: 503-808-4373

Counties:

**Baker, Clackamas,
Clatsop, Columbia,
Gilliam, Grant, Hood
River, Jefferson, Lincoln,
Malheur, Marion, Morrow,
Multnomah, Polk,
Sherman, Tillamook,
Umatilla, Union,
Wallowa, Wasco,
Washington, Wheeler,
Yamhill**

OR

**U.S. Army Corps of
Engineers**

ATTN: CENWP-OD-GE

211 E. 7th AVE, Suite 105

Eugene, OR 97401-2722

Phone: 541-465-6868

Counties:

**Benton, Coos, Crook,
Curry, Deschutes,
Douglas Jackson,
Josephine, Harney,
Klamath, Lake, Lane,
Linn**

Send Completed form to:

DSL - West of the Cascades:

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

Phone: 503-986-5200

OR

DSL - East of the Cascades:

Department of State Lands

1645 NE Forbes Road, Suite 112

Bend, Oregon 97701

Phone: 541-388-6112

Send all Fees to:

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

Pay by Credit Card by Calling 503-986-5253

Attachment 1: Landowners

Porter Boat Lift Joint Permit Application

Landowners

Larry Dean Porter
Post Office Box 12666
Salem, Oregon 97309
(503) 763-6659
larry@solvit-international.com

Mike Miller
City of Florence Director of Public Works
989 Spruce Street
Florence, Oregon 97439
(541) 997-4106
mike.miller@ci.florence.or.us

Bob Forsythe
Port Manager
Port of Siuslaw
100 Harbor Street
Florence, Oregon 97439
(541) 997-3426
port@portofsiuslaw.com



PORT OF SIUSLAW

Serving Western Lane County and The Central Oregon Coast

"Creating quality jobs and businesses through the development and application of Port facilities, resources and unique capabilities."

July 9, 2015

Greg Swenson, PWS

Sr. Project Manager

PBS Engineering + Environmental

4412 SW Corbett Ave.

Portland, OR 97239

RE; Pile and Mooring Buoys on Port property

Dear Mr. Swenson,

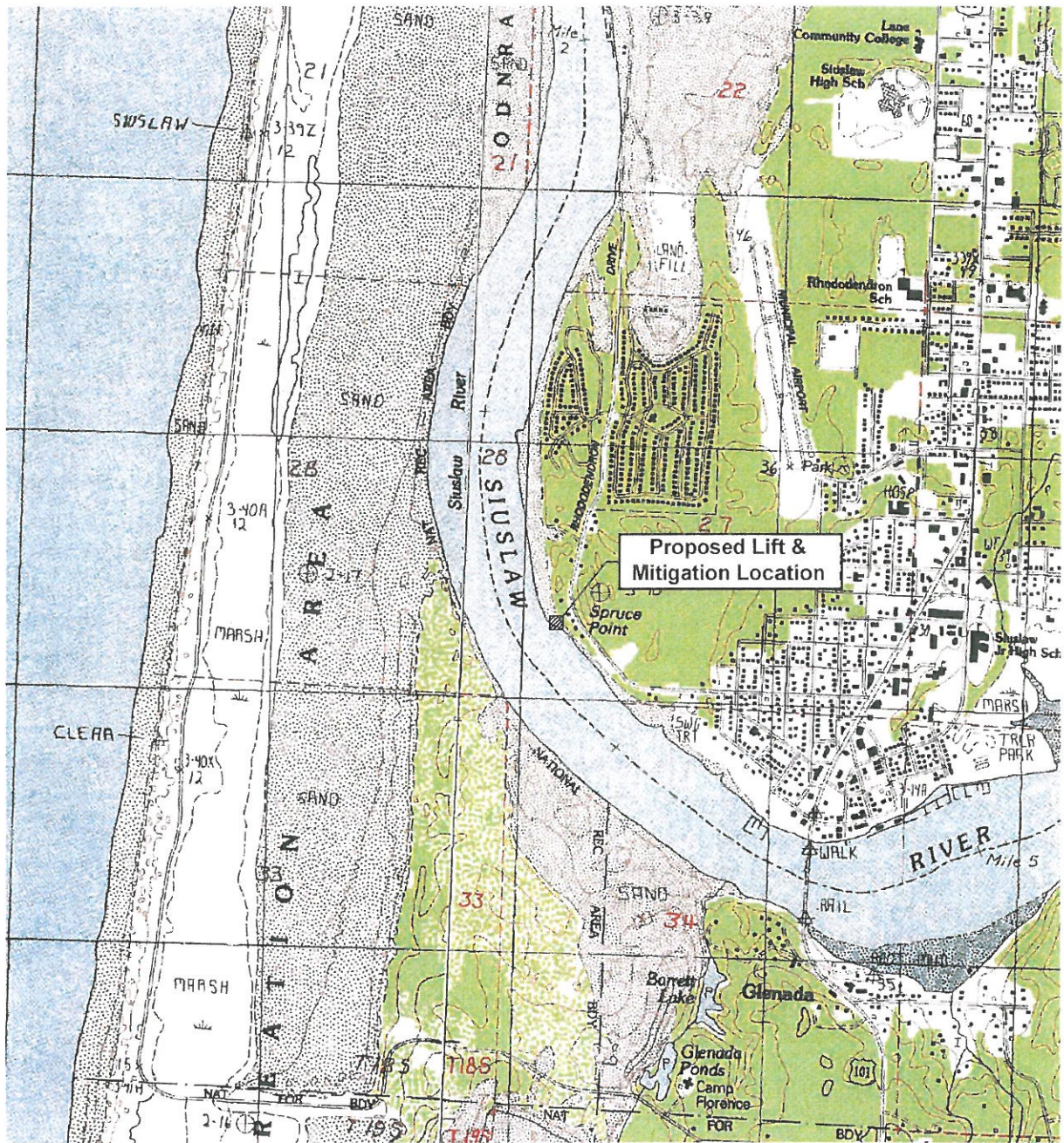
The Port of Siuslaw is not conceptually against your clients request to put pile/dock and mooring buoys on Port property. This letter is to verify that we have discussed your client's proposal. The Port manager Bob Forsythe has authorized me to forward a preliminary approval. This letter should not be considered a contract. If all step of the permitting process are successful, your client will need to make an appointment to meet with us about terms and conditions.

Sincerely,

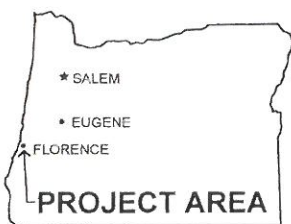
Richard Dreiling

Project Coordinator

Attachment 2: Site Plans



SOURCE: USGS GOOSE PASTURE, OREG. (1984) & FLORENCE, OREG. (1984) 7.5 MINUTE QUADRANGLE.



OREGON



0' 1000' 2000' 4000'

SCALE: 1" = 2,000'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

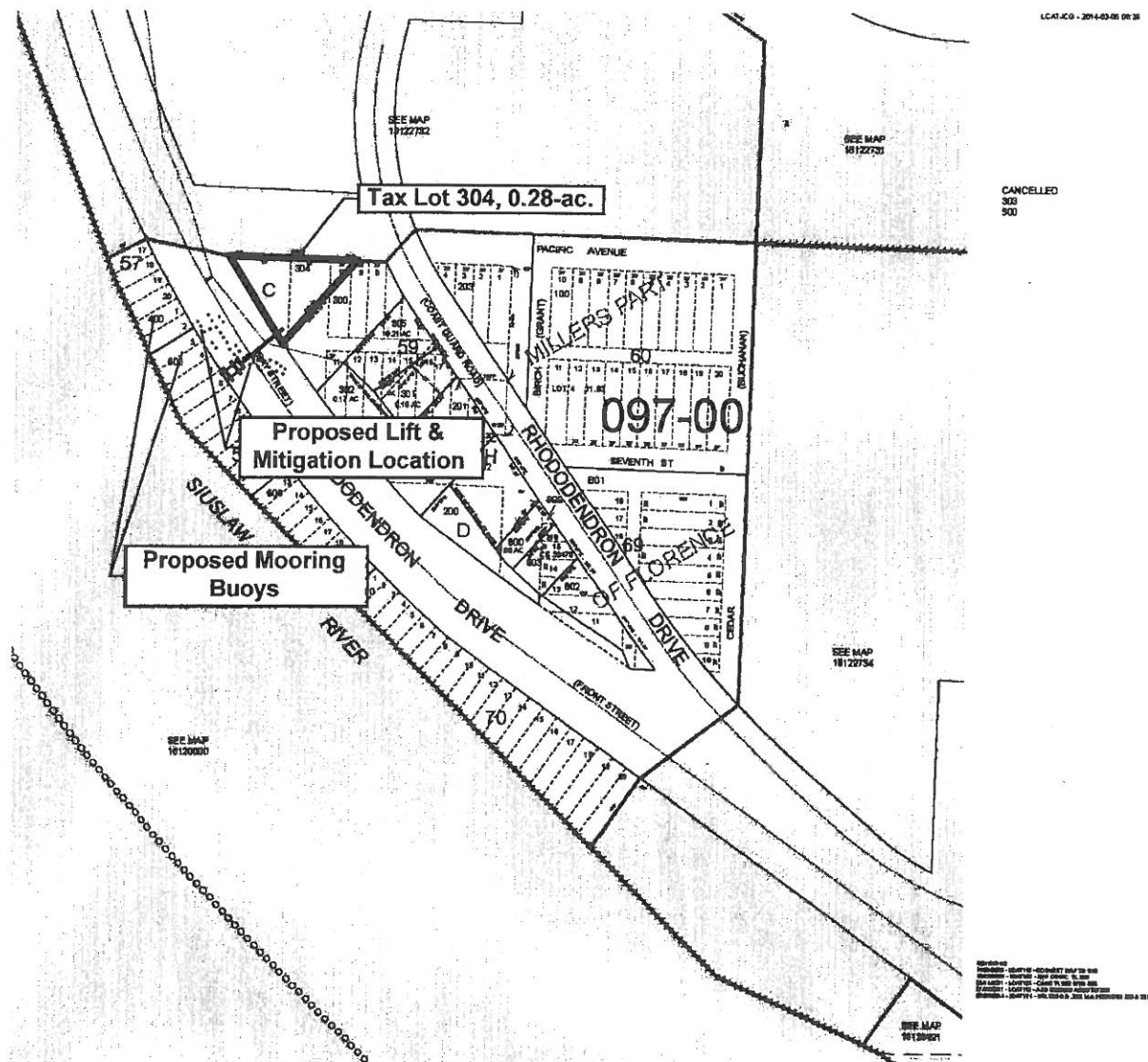
LOCATION MAP

PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

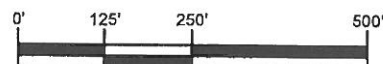
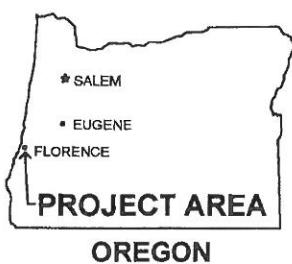
1

LCA7-JCQ - 2014-03-05 09:30



FLORENCE
18122733

SOURCE: THE OREGON MAP, 2014.



SCALE: 1" = 250'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

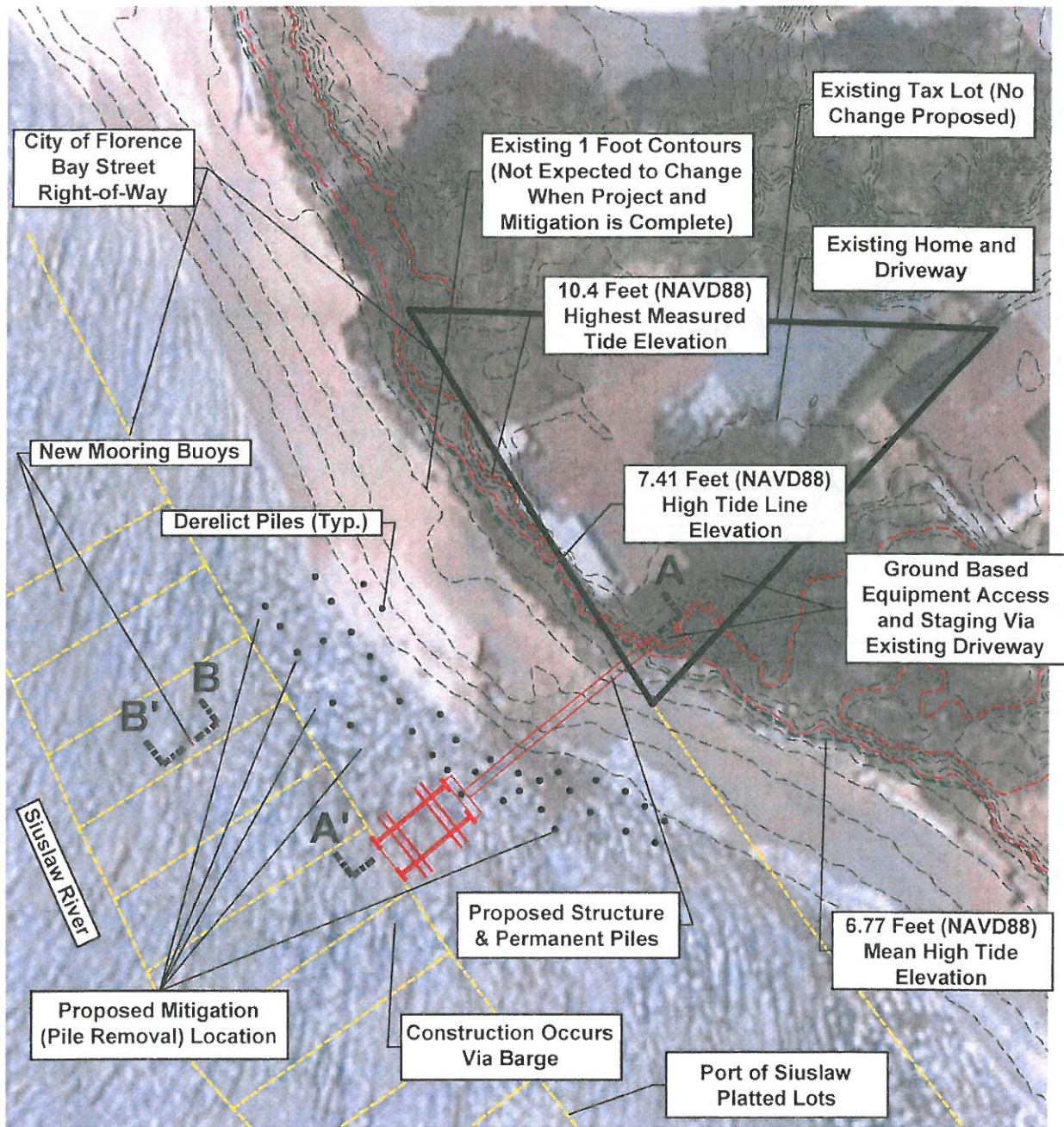
DATE
SEPT 2015

TAX LOT MAP 18122733

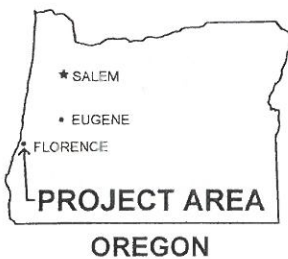
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

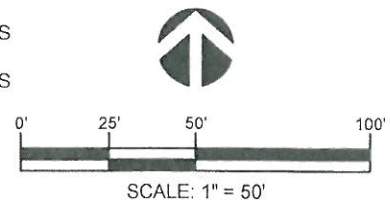
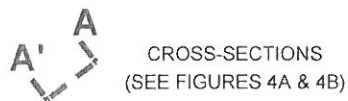
2



SOURCE: AERIAL PHOTOGRAPH FROM ESRI (2015). CONTOURS DERIVED FROM DOGAMI LIDAR.



27.065 SQ. FT. / 7.384 CU. YD. PERMANENT IMPACTS
BELOW HIGHEST MEASURED TIDE
27.065 SQ. FT. / 4.287 CU. YD. PERMANENT IMPACTS
BELOW HIGH TIDE LINE
27.065 SQ. FT. / 3.645 CU. YD. PERMANENT IMPACTS
BELOW MEAN HIGH WATER TIDAL ELEVATION



PREPARED FOR: LARRY PORTER



PROJECT #
90306.000
DATE
SEPT 2015

PLAN VIEW DRAWING
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

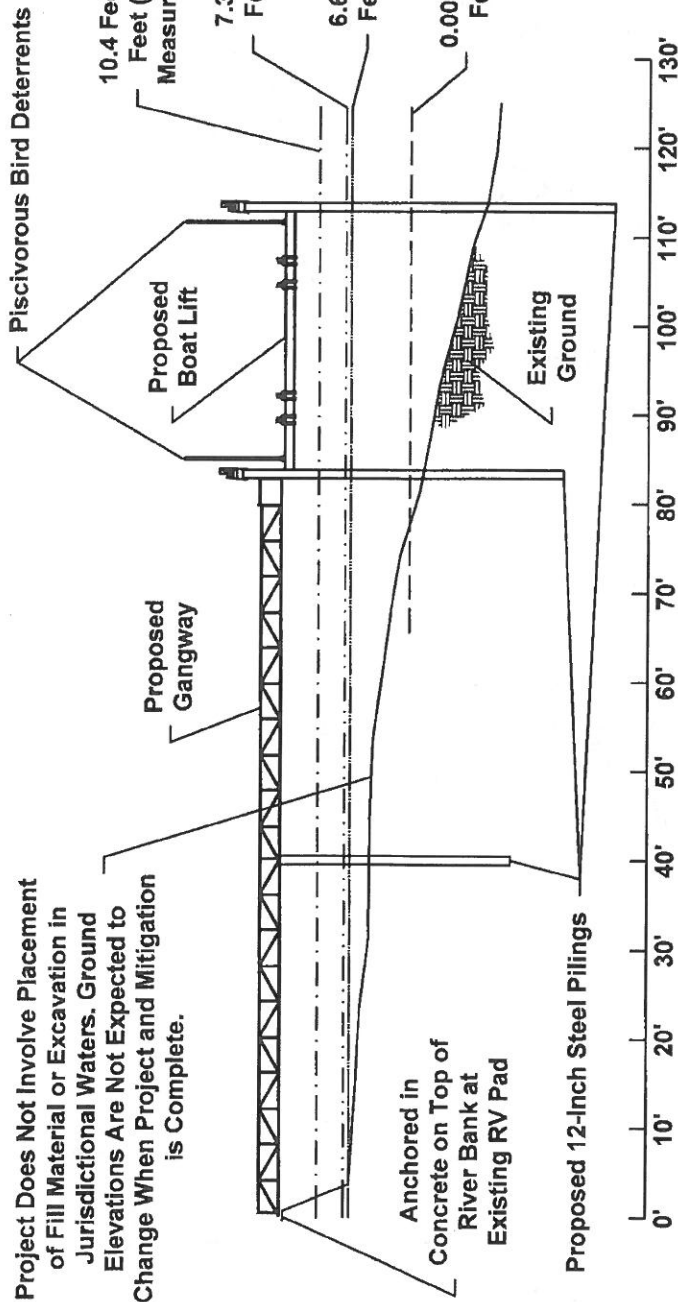
FIGURE

3

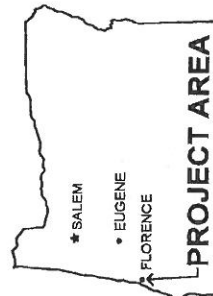
A

A'

Project Does Not Involve Placement of Fill Material or Excavation in Jurisdictional Waters. Ground Elevations Are Not Expected to Change When Project and Mitigation is Complete.



SOURCE: LARRY PORTER.



PREPARED FOR: LARRY PORTER

FIGURE

4A

CROSS-SECTION A-A' DRAWING

PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION

FLORENCE, LANE COUNTY, OREGON

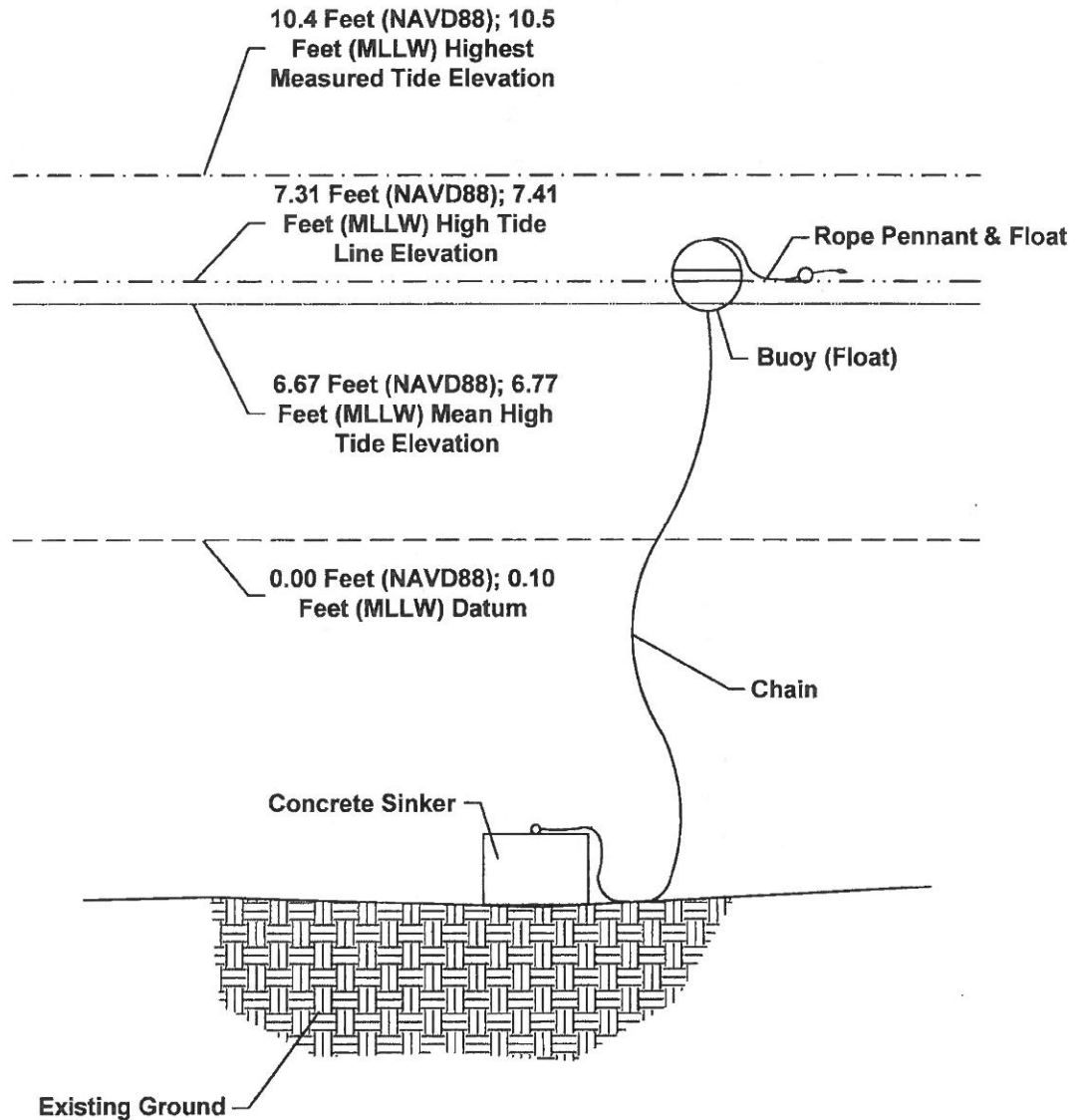
PROJECT #
90306.000

DATE
SEPT 2015

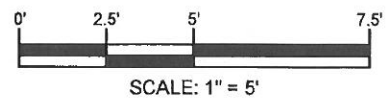
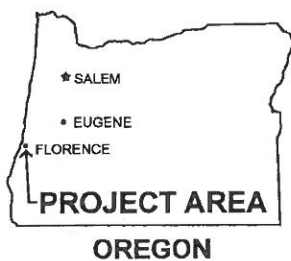


B

B'



SOURCE: LARRY PORTER.



PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

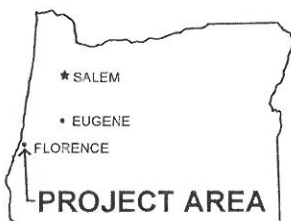
CROSS-SECTION B-B' DRAWING
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

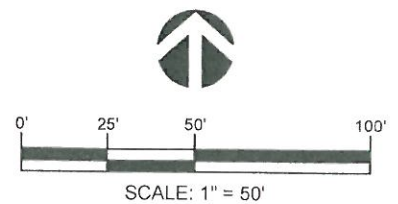
4B



SOURCE: AERIAL PHOTOGRAPH FROM ESRI (2015).



OREGON



PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

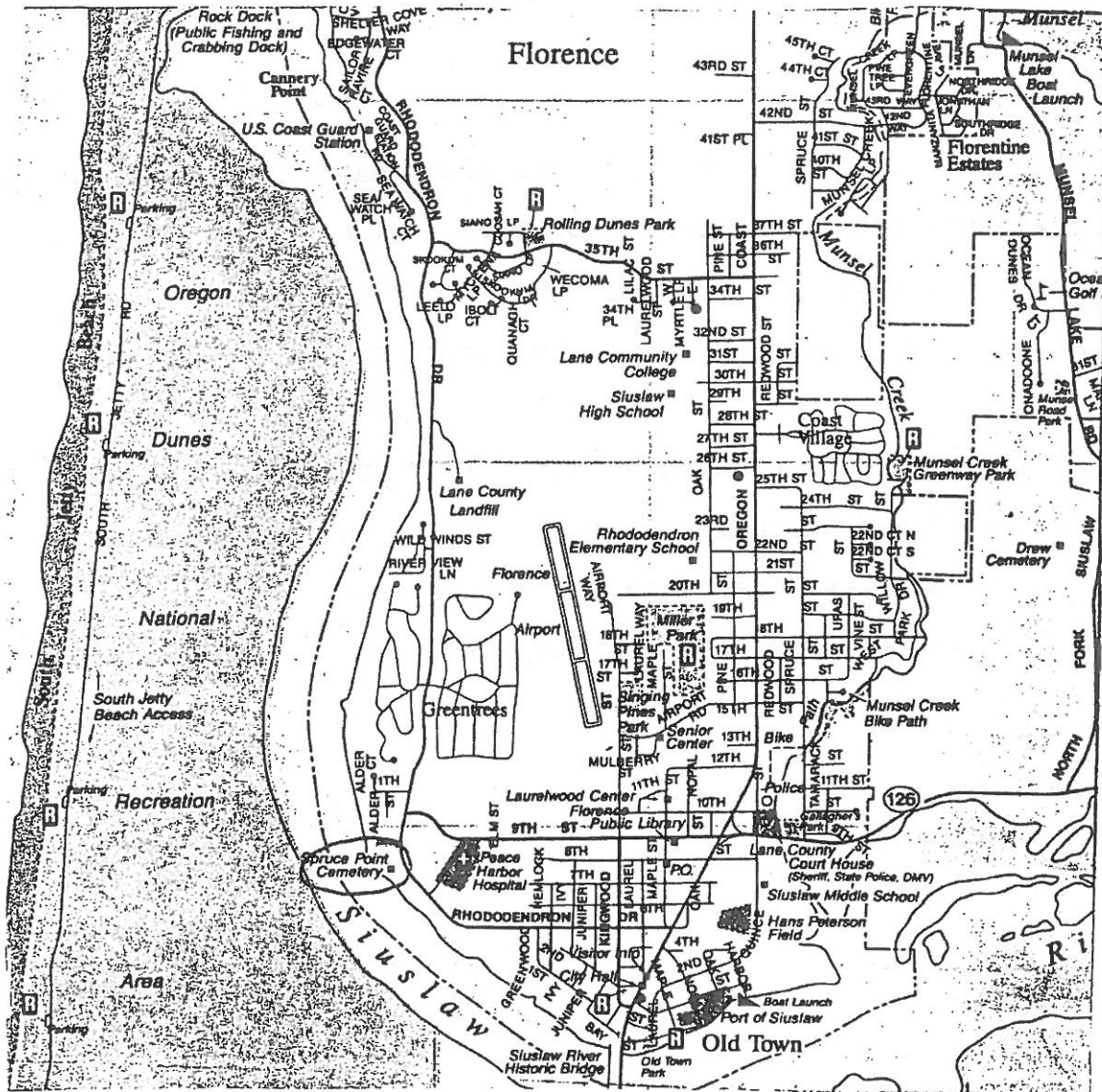
DATE
SEPT 2015

RECENT AERIAL PHOTOGRAPH
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

5

SPRUCE POINT CEMETERY



SPRUCE POINT CEMETERY

This cemetery is shown on every map of Florence yet there is no evidence of its existence in the area. It is located on the Siuslaw River side of Rhododendron Drive at the big curve of the road where Peace Harbor Hospital street intersects with Rhododendron Drive.

Isabella Clay and I have searched the area; have talked with long-time residents there but noone remembers seeing any cemetery here. We have talked with Bill Caldwell who has written about long-ago Florence for the Siuslaw News and he knows of no cemetery there.

The conclusion has been reached that if/when Spruce Point Cemetery existed it was an Indian Burial Ground. Since it was on the curve of the Siuslaw River tide and storms could have undercut and washed the Cemetery into the river leaving no artifacts to be seen or found.

**United States Department of the Interior
Heritage Conservation and Recreation Service**

**National Register of Historic Places
Inventory—Nomination Form**

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Kyle, William and Sons, Building

and/or common Cooper Brothers Store

2. Location

street & number 1297 Bay Street _____ not for publication

city, town Florence _____ vicinity of congressional district Fourth

state Oregon code 41 county Lane code 039

3. Classification

Category	Ownership	Status	Present Use
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational
<input type="checkbox"/> site	Public Acquisition	Accessible	<input checked="" type="checkbox"/> private residence
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> religious
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> scientific
		<input type="checkbox"/> no	<input type="checkbox"/> transportation
			<input type="checkbox"/> other:

4. Owner of Property

name Stuart and Joann Henderson, and Ronald Hoagland (Box 930, Florence OR 97439)

street & number P.O. Box 1762

city, town Florence _____ vicinity of state Oregon 97439

5. Location of Legal Description

courthouse, registry of deeds, etc. Lane County Courthouse

street & number 125 East Eighth Avenue

city, town Eugene _____ state Oregon 97401

6. Representation in Existing Surveys

title Statewide Inventory of Hist. Properties has this property been determined eligible? _____ yes ☒ no

date 1977 _____ federal ☒ state _____ county _____ local

depository for survey records State Historic Preservation Office

city, town Salem _____ state Oregon 97310

7. Description

Condition		Check one	Check one
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input checked="" type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

The William Kyle and Sons Mercantile Store was built in 1901. It is a two-story wood-frame building which faces south toward the Siuslaw River on the old main street of Florence, Oregon (formerly Front Street). The main building is 90' x 40' and the single-story shed-roofed warehouse addition on the west is 90' x 20'. Both are constructed of fir milled by the original owner at Spruce Point, south of Florence. The gabled roof of the main building and the shed roof of the warehouse are faced with the false-front common to western buildings around the turn-of-the-century. Both exhibit Italianate styling in the use of paneled freize and bracketed cornice. The raking cornice of the main building conforms to the gable end of the roof. The false front of the warehouse addition, on the other hand, is peaked at the center to echo the storefront treatment. Fenestration in the storefront is regular, with two double-hung windows with two lights over two and hooded lintels on either side of a central bay of paired windows surmounted by a pediment. A signboard hangs on the upper wall. Ground story shop fronts of glass in wood frames with two symmetrically arranged recessed entrance bays, remain remarkably intact, with trim consisting of a bracketed belt cornice and stylized "washboard" decoration on the uprights. Corner boards of the second story level are finished as pilasters with channeling and necking. Drop siding is used throughout.

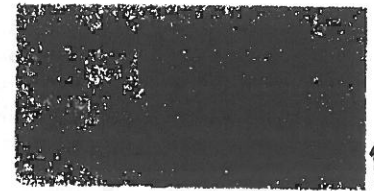
The general store is entered from the south side. There are two inset wooden doors with center glass panels, transoms and side-lights in this front facade, completed by twelve foot windows on each side. On the east side there is a glass door with side lights, which must have been added at a later date because it is not visible in earlier pictures. Double doors on the north end have glass in the top half and are graced on either side by 6' x 7' windows, nine panes each. There is a door in the front west wall which leads to the warehouse addition. All doors and windows throughout the interior have wide casings scored vertically, with corner blocks. The 14-foot ceiling of the main store is supported by 10" x 12" chamfered fir girders, running north-south in the center. Each girder is 45' long, and the full length is achieved by splicing in the center. They are tapered-cut and pinned with large handmade dowels. This girder is supported by six turned posts of solid fir, the tops and bottoms of which are 10" squares, each of them 3 feet long. This divides the space in half. The walls are centered V'd ceiling boards (tongue and groove) placed vertically. The floors are oiled 1" x 4" fir boards. During its earliest history, the store was used for general merchandising, post office, soda fountain and butcher shop. Its heavy use is attested to by wear created by Cork boots. After its day as a general store, it became a more or less dormant space used for storage. After its purchase from the Erskine estate in 1970, this space was used for the design and manufacture of hand-printed wallpapers. The space is to be occupied by a tenant who can make use of the entire ground story space without subdividing it.

The second floor is one large well-lighted room, originally used for storage of furniture and other large items. Later, some partitions were built for a kitchen and bathrooms on the north end. These lasted through the building's use as a meeting hall and dance hall/roller rink. Its original fir floor was covered by walnut flooring for these purposes. When the present owners began renovation in 1971, partitions were taken down. The bathroom remained and was restored for use in a living space created by the erection of a double wall in the center, running east-west. The original kitchen counters were rebuilt with fir and cedar, and the rusted tin sinks were replaced. One structural change was the addition of five windows on the west side. The front portion of this upper story is open and being used as studio space. The double wall can be removed to restore the room to its original size. The walls are painted white, as are the tongue and groove ceiling boards.

The original flight of stairs leading to the second floor is attached to the back exterior and is covered. There is also a wide staircase leading from the west yard. There are three single stack chimneys on the western edge of the roof. Two are being used.

**United States Department of the Interior
Heritage Conservation and Recreation Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet Kyle, William & Sons, Building Item number 7

Page 1

The warehouse attachment has five rooms. The interior walls, floor and ceiling are centered V'd tongue and groove fir, unpainted for the most part. The front room was partitioned for use as an insurance office when the Kyle Brothers were in this business. The present owners took down the partitions and sheet rock, exposing the fir walls. The floors were refinished throughout and the addition of two large windows between the first room and main room, sixteen panes each, provided more light. The central room is approximately 20' x 40'. It has a shed ceiling which is 16' high at its highest point. There is one window placed horizontally at a distance of five feet from the floor in the west wall. It measures 7' x 2½' and has twelve panes. This is the original window. There are three small rooms in the back half of the warehouse: one contains the original bathrooms and a storage box built against the west wall. Over this is a window identical to that in the main room. Beyond this is a small room whose floor is raised six inches above the rest and a larger room painted white with one large nine-paned window in the north wall. All doors throughout are fir with glass panels and porcelain knobs, except for the original dock door on the west wall of the main room. This warehouse attachment was originally used for storage of grain and petroleum products. There are large circles burnished into the floor from spillage. It has remained almost completely in its original state. One skylight was put in the roof for light.

In 1972, part of the foundation of the main building was replaced with the same size and type of wood timbers as the original. There are six 10" x 12" beams running north-south which rest on brick pier blocks. The rest of the foundation is made of 2" x 12" joists on 16" centers, running east-west. Small areas of broken siding were replaced on the outside of the building with copies of the original. In 1973, the outside of the building was sand-blasted and painted light grey. In 1975 it was painted creamy white. The original William Kyle and Sons signboard was repainted. In 1976 the roof was recovered with brick red composition shingles. This was a Bicentennial Restoration Project and the intent was to replace the original cedar shingles. However, stringent building and fire codes prohibited their use without major alterations, including fire walls and sprinkler system, which would have jeopardized the integrity of the interior.

The William Kyle and Sons building was barely saved from the wrecker's ball in 1971. Its present condition is good, but some structural repairs are anticipated. There is more dry rot in the main beam of the foundations, and some structural members will have to be judiciously replaced in the front facade.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400–1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500–1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600–1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700–1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input type="checkbox"/> 1800–1899	<input checked="" type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1900–	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

Specific dates 1901 Builder/Architect Unknown

Statement of Significance (in one paragraph)

The Kyle Building is significant to the Florence-Mapleton area of coastal Lane County as a remarkably well preserved example of the false-fronted general store which served as a center of trade and social intercourse in small towns throughout the West. Moreover, the store has some architectural pretention. It was built in 1901 in the Italianate Style by William J. Kyle, a Scotsman who came to Florence in 1884 and played a significant role in commercial development, the rise and decline of prosperity, in the Siuslaw Valley. Kyle was the third small-time entrepreneur, after Duncan and O. W. Hurd, to settle in Florence, and his ambition was to gain a monopoly on business in the valley at a time when it was speculated that Florence would grow to the size of San Francisco. Kyle's papers are an important resource shedding light on the early development of the Pacific Coast. Kyle's store is "clearly a key image in putting together a mental picture of the history of the Florence area." Its restoration has served as a catalyst for the revitalization of Old Town Florence. The store embodies the distinctive characteristics of the typical large, well-built country general store of the turn of the century, and it possesses integrity of location, design, setting, materials, workmanship, feeling and association with a key figure in the town's development. The store was the center of Kyle's operations, and it is the only building now standing in Florence associated with Kyle and his sons, who were his business partners.

William Kyle's store in Florence was the second of two he built on the coast, the first -- smaller in scale -- having been erected in Mapleton. His partnership with Michael Meyer enabled him, in 1884, to build a cannery on the Siuslaw waterfront across from the Florence store. It was one of three canneries in the area and produced fifteen thousand cases of salmon annually. His sawmill at Spruce Point supplied the lumber used in the Kyle store. To make his enterprises a success, Kyle went into the shipping business with a small "bald-header" schooner, the Bella, which could carry about 400,000 board feet of Kyle's lumber. She was the last ocean going vessel to be built on the Siuslaw River. Meyer and Kyle purchased the passenger steamer Lillian, and as the prosperity of the mills and canneries, and ultimately the whole valley became dependent on schooner trade, they bought the tug Roberts to bring them across Florence's treacherous bar. Thus began Kyle's attempted monopoly on trade in the Siuslaw Valley. The tug hauled schooners and freight the length of the Oregon Coast, and the Bella ran between Portland and San Francisco.

The Kyle store was the center of operations. Until 1913 it housed the first Florence post office (Kyle and his sons were the successive post masters). There was a soda fountain, butcher shop and general store on the main floor and a furniture store in the spacious upper story. A warehouse attached on the west side housed grain and bulk staples in the early days, and petroleum products when the automobile arrived. Many things contributed to the decline of the schooner trade and the fortunes of the Siuslaw Valley, among them Kyle's business practices. The Meyer/Kyle partnership dissolved and Kyle went into business with his three sons: William Jr., David and Edward. For many years the store continued to be a gathering place for loggers, farmers and fishermen. It is said that local residents sat around a stove which could hold a six foot log, in the back of the store.

It was evident that Florence was not to become a major port. Kyle eventually closed his saw mill and cannery, turned the store over to his sons, and moved with his wife to San Francisco.

9. Major Bibliographical References

See attached continuation sheet.

10. Geographical Data

Acreage of nominated property less than one

Quadrangle name Siltcoos Lake, Oregon

Quadrangle scale 1:62500

UMT References

A

1	0
---	---

4	1	1	3	2	5
---	---	---	---	---	---

4	8	6	8	5	5	0
---	---	---	---	---	---	---

Zone Easting Northing

B

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

Zone Easting Northing

C

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

D

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

E

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

F

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

G

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

H

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--

Verbal boundary description and justification The Kyle Building is located in NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 34, T. 18S., R. 12W., W. M. It occupies Lots 1, 2, 3 and 4 of Block 7 of the Original Plat of Florence, Lane County, Oregon.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code

11. Form Prepared By

name/title Joann Henderson

organization Old Town Committee

date July 1980

street & number 1297 Bay Street

telephone 503/997-7964

city or town Florence

state Oregon 97439

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

☐ national ☐ state ☒ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature [Signature]

title Deputy State Historic Preservation Officer

date June 29, 1981

For HCRS use only

I hereby certify that this property is included in the National Register

Entered in the
National Register

date 12/2/81

Keeper of the National Register

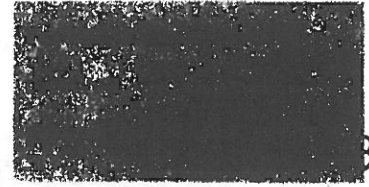
Attest:

date

Chief of Registration

**United States Department of the Interior
Heritage Conservation and Recreation Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet Kyle, William & Sons, Building Item number 8

Page 1

The town was still self-sufficient to a degree, and what could not be found locally was brought overland from Eugene or the south coast. In the late 1930s a bridge was built across the Siuslaw and the automobile became the next important factor in the changing fortunes of the business community. It began a steady shift from the waterfront to the coast highway. In the late 1940s, the Kyle Sons turned over management of the store to Dan and Esther Cooper, who maintained it in its original state, providing many of the same goods. The Coopers also supplied the credit so badly needed by seasonal workers as the Kyles had done before them. The second floor was used for meetings and dances. The Elks laid hardwood floors and added kitchen and bathroom partitions. The Florence Civic Theater Group performed there, and the Kyles encouraged other community activities such as roller skating and U.S.O dances.

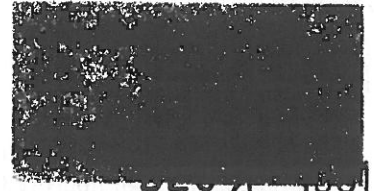
The waterfront slipped into a period of dormancy. The Kyles sold the store to the Erskines, who held a great deal of property in the area. The Coopers closed their doors in 1961, and except for the storage of furniture, the Kyle store sat empty for ten years. In 1971 Jarman, Henderson and Bruce bought the Kyle store from the Erskine Estate and began a slow restoration of its exterior. Bay Street Productions, a hand silk-screened wallpaper manufacturer occupied the store. Members of the new enterprise ran the business and lived in the building with their families. Minor changes were made to make it livable. The warehouse addition became a residence, and the upper story was divided into two spaces, the back half being a residence. The front has been used for square dances, ballet classes, a woodworking shop, and is now an artists studio.

At this writing Bay Street Productions has moved as a result of shift of ownership to Henderson and Hoagland. The store space is being repainted and rewired for the next tenant.

The purchase of the Kyle Building in 1971 seems to have signalled a turn in the fortunes of the waterfront area. As work progressed on the building, interest was generated in restoring what remained of the oldest part of town. In ten years, the Old Town neighborhood has come back to life as a vital business community. The Kyle Store is an important link to the town's past as the oldest and most prominent building remaining on the waterfront.

**United States Department of the Interior
Heritage Conservation and Recreation Service**

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet Kyle, William & Sons, Bldg. Item number 9

Page 1

Portrait and Biographical Record of the Willamette Valley (Chicago: 1903), p. 1532.
Note on William Kyle.

The West (July 19, 1901), (August 23, 1901). Newspaper reportage on completion of construction and opening of store.

"The Last of the General Stores," Coast Valley Journal, (March 22, 1973), p. 3, 5.

Cox, Thomas R., "William Kyle and the Pacific Lumber Trade: A Study in Marginality,"
Journal of Forest History (January, 1975), 4-14.

"Oldtown Makes a Comeback," The Siuslaw News (October 30, 1975), 8.

SHINGLE MILL HAS GLOWING PROSPECT

The shingle mill on the North Fork which had been operated for the past year or more by Roy Schroeder has been sold to H. C. Calhoun and J. W. Lewis of Portland who have possession and began work yesterday morning.

There is an abundance of fine cedar in the near vicinity which H. M. Petersen has contracted to supply as needed. There is also a fine supply of alder which may also be cut up, meaning the installation of another mill of a different type.

The mill gives employment to about a dozen men, counting those who work in the timber and under proper management it is said could be kept in operation regularly.

Siuslaw Oar 3/23/34

Siuslaw Oar, 4/27/34 Visits Spruce Point After Thirty Years

Frank Johnson was a visitor at Spruce Point Wednesday. And that's an item. It has been almost 30 years since he had been there before. Thirty years ago it was a daily occasion. Then Spruce Point was a beehive of industry and Frank was one of the busy bees.

"I worked in various capacities for the Kyle sawmill there," he said. That was back in the early 1900's. The mill helped to make river transportation lively as all the product went out by boat. Now the old place is deserted. A few piling, a rusty boiler, and trees as big around as that grown right up on the site. Begins to make me feel like I am getting old."

W. M. Kyle established a mill there in 1900 and operated it for five years. Years before that a fish cannery was operated farther down the river, but who were the operators the Oar hasn't learned. It was no doubt the very first industry on the Siuslaw and should be recorded as a matter of early history.

Lumber Price ³⁰ Fixed Code Under Fire

Western Mill Owners Given
Hearing at Meeting
in Seattle

Several hundred lumbermen from all parts of the country attended an NRA public hearing at Seattle on the minimum price clause for the lumber code Tuesday as opponents of the price clause from the Western states led an attack for the elimination.

The west coast lumbermen represented the fixed price repeal association with headquarters at Seattle.

It has been admitted by NRA officials that the overthrow of prices on the western coast would mean their failure all over the country.

Victor Larson of Noti, Oregon, representing the smaller mills, said that price fixing had been given a fair chance and had failed to help business. The stand of the small mill owners, he declared, was taken in defense of their own business interests, and not from a lack of a desire to co-operate.

It was declared by Frank Ransom of Portland that approximately 90 per cent of the west coast lumber output is sold under the code price minimum.

He said that three fourths of the time of the code authorities was taken up with price questions, and even should the price fixing become more effective the code would still be destructive to the lumber industry. Prices will rise only when demand increases and not before, he said.

Howar Bunker of the Coos Bay Lumber Company said that the NRA was preceded by financial failures of the west coast lumber-

Mapleton Bee 12-14-1934

Lumber Quota Increases Vital To Inland Mills

Mapleton Bee

A twenty per cent gain in cutting allotment was won by the west coast lumbermen in their recent attack upon the NRA code. The west coast production allotments are increased from 900 million feet to 1,181.3 million feet for the first quarter of 1935. This does not include railroad tie quotas.

All local mills registered with the code authorities are to have a minimum production of 18 hours per week, plus additional allotments based on previous records, instead of the quotas fixed in the last quarter which cut some inland mills to as little as ten hours a week.

This victory of the coast lumbermen cancels the victory given in the code to large mills and insure an equitable distribution of work to all mills in all districts.

The increase in total cutting allotment is based upon the actual orders on hand, and the prospect of even greater increases when the housing campaign gets under way.

Howard Merriam, chairman of the committee from the county chamber working on the lumber code, declared that this increase would mean much to the inland mills as it would enable them to run long enough hours to keep their men employed so that they could produce at a cost which would make it possible for them to meet competition. 12/21/1934

1. 1. 1. mills

MILL RAZING GRANT GIVEN CITY COUNCIL

There isn't anything that smacks more of good news than this: "The tearing down of the old saw mill building has been assigned to the city council of Florence."

This comes from a letter from the Tide Water Mill company's representative in Eugene. The company states in its communication to the city council that it will not be responsible for accidents that may occur and that it will pay no part of the cost of tearing the old structure down.

When this unsightly slumping structure is gone the company promises to give the city any reasonable contract for the use of the two or three blocks of property which it owns for public park purposes. The letter closes like this: "I can assure you that our aim in this direction will be to give you the fullest cooperation possible." Signed, Earl G. Muir.

Siuslaw Oak 4/17/39

FIRE CREEPS UNDER ANCIENT WOOD FILL

A grass fire on the Tidewater Mill company's lots east of the mill spread over a small area Sunday afternoon. It was subdued by a bucket brigade which secured water from the river. Monday morning it was found that the fire had caught in the fill of old slabs which were piled up years ago and had spread in several directions. A line was stretched from a city hydrant and a stream of water was kept running for an hour or more to put the fire out.

The fill of slabs cover nearly a block altogether and had the fire secured a better start might have endangered the mill itself.

The saw-mill at Spruce Point
is completed and has already cut
some timber for the San Fran-
cisco market.

Siu. News

10-26-94

THE WEST 11/22/1901 SAUBERT CLIP BOOK (p4 Harbor & Shipping section)
A BOOM FOR FLORENCE
SOON TO HAVE TWO LARGE SAWMILLS NEAR BUSINESS CENTER.

Ever since the town was laid out the people of Florence have been eager to have a good sawmill erected here. A small mill was built in the lower part of town ten years ago, and for the past two or three years has done a good business but the prospect now looks favorable for the construction in the near future of two large mills close to the business part of Florence.

O.W.Hurd has recently purchased the Pronty property, in Morse's addition, together with a number of lots from other parties which gives him an excellent site for a sawmill.

The Florence Lumber Co. also owns some tide land above town and some river front in Morse's addition. They are endeavoring to secure enough of the adjacent property to give them room for a mill site and ship yard adjoining. Mr Kyle stated to us two weeks ago that if his company obtain the desired site they will at once take steps to build the mill. He also informed us recently that if they are unable to the property wanted, the mill will be built in the lower part of town near the site of the old one.

In either event the prospect is that Florence will soon have two large mills erected within her borders. They will furnish steady employment for 50 to 75 men, and these with their families will be an important addition to the population of our little city.

ALMOST DOUBLE THE CAPACITY OF MILL

The Tidewater Mill Co, since taking the plant have increased its capacity to 140,000 per day. This output is hard to handle because of lack of laborers and the work is handicapped by this question, which is quite discouraging to the management.

They desire to employ men that live here in the mill, but find unless more come in, they will have a serious problem to secure help.

Men with families will be encouraged to make their home in Florence and there is a demand for this kind. 5/14/1913

KYLE & SONS DANCE—In the rush of going to press last week we left out mention of the free dance given by Wm. Kyle & Sons in their large warehouse. The

DRILLING DEEP WELL AT TIDE WATER MILL

The Tide Water Mill Co. is having a 10 inch well drilled just east of the black smith shop.

The pile driver was brought around into the mill pond close to the bank and a cable rigged up so as to operate the drill which had been brought by team from Gardiner.

P. L. Decoto, of Oakland, California arrived last week and is forman of the job.

The well is now down 80 feet and they expect to go down 200 feet so as to secure plenty of pure water. 6/4/1913

SEVERAL IMPROVEMENTS AROUND THE MILL

A pump was attached to two of the pipes in the new well and considerable water pumped out last week.

Piling has been driven out from the bank on the north side of the mill pond just above the mill and the space between will be filled for some distance.

The dock at the end of Lincoln street has been re-planked and much wharf room gained by the improvement.

Sanborn & Tanner are driving the last few piles at the east end of the large dock and it will soon be complete. The company will then have a wharf between 900 and 1000 feet long.

The lumber yard has been extended close up to Barney Burnett's place and gives lots more space for lumber.

The oil tank that is being erected some distance out from the east end of the mill dock will soon be finished.

The mill seems to be working quite steady now and is cutting a large amount of lumber.

SHINGLE MILL AT GLENADA

It is now an established fact that a shingle mill is to be put in operation in Glenada next year.

A modern plant with a capacity of 35000 per day is ordered and on the way. The equipment includes a jointer and drag saw.

An addition will be built to the building now owned by C. E. Harwood, which is used as a machine shop. In this addition will be placed the machinery, while the lower part of the present building will be used for packing and storing shingles.

The plant will be driven by electricity, having an electric motor of 25 horsepower. The current will be furnished by the Florence Electric Co.

The shingle mill will be owned and operated by a company of Glenada capitalists, and will no doubt prove a valuable manufacturing asset to Glenada and the Siuslaw river.

P. L. T - 1/12/1913

INSTALLED LARGE PUMP AT MILL

The large pump that was brought in some time ago has been installed and was tried out Sunday morning.

D. H. Collins the mill wright in charge at the plant finished the last part of the intake pipe and make connection with the river where they expect to get their water supply for fire protection. Sunday the tanks were all filled and sprinklers used and the system worked nicely.

The pump is a Fairbanks-More make and in size is 16x9x12 inches, with a capacity of 750 gallons per minute, or it can throw three good streams from 1 1/8 inch nozzles when used direct and is fed from a 10 inch intake pipe.

The pump house is located just east of the blacksmith house and was specially built for the purpose.

It also has valve connections to attach to the deep wells just drilled, and when the new tank, which is being erected will be connected so to pump water. This tank will supply the drinking water and be used as an emergency supply in case of fire. The tank is to be 16x24x12 feet and will be ten feet from the ground.

Workmen have also driven piling parallel with the wharf just east of the mill, leaving a logway 24 feet wide. A double thickness of heavy planking has been driven down and a retaining wall made extending about 170 feet out from the mill, and the space between the wall and the bank will eventually be filled adding to the yardage room on that side.

The dock now is completed over 900 feet and while is a good large one, is sometimes tasked to its full capacity.

The oil tank being erected upstream from the dock is being covered this week.

Just as the Oakland

75 Years Ago
March 2, 1917

Articles of incorporation of the Delta Shingle Co. were filed in the office of the county clerk in Eugene last Tuesday.

The incorporators are Ernest Walker, E. J. Adams and J. M. Williams. The capital stock is \$20,000 and the principal place of business is Florence. Other parties are also interested in the company.

Mr. Walker and partner, W. H. Thompson, were here last month from British Columbia and secured options on a large quantity of cedar on North Fork. Mr. Walker returned last Monday and has taken up most of these options and is getting ready to build a mill at Florence to manufacture the lumber into shingles.

Messrs. Walker and Thompson have been engaged in manufacture of shingles in British Columbia and have exhausted their supply of timber. They will ship part of their machinery to Florence and add some new machines to it. They expect to have some of it here next week and have ordered the rest for delivery about March 20.

Lumber Mills

TIDE WATER MILL COMPANY TO BUILD IMMENSE PLANT

A mortgage or deed of trust given by the Tidewater Mill company, of Florence, for \$500,000 was filed for record with the county clerk this afternoon. This will probably mean extensive improvements in the mill at Florence in the near future and the enlargement of the plant to a much greater capacity than at present, together with extensive operations in the company's logging camps.

The mortgage deed, which is a voluminous document, required a filing fee of \$44.80. The mortgage is given to secure \$500,000 first mortgage six per cent gold bonds. The mortgage is given to the Michigan Trust company and George Hefferen, trustees. The first twelve bonds are due on March 1, 1915, and twelve each year thereafter till 1923.

The lands mortgaged by the company are located in Lane County and are situated for the most part along the Siuslaw river and its tributaries. They are in townships 17-9 west, 19-8 west, 18-9 west, 19-6 west, 19-7 west, 18-8 west, 20-6 west, 20-7 west and 18-12 west, most of the land in the last named township being in the city of Florence, where the mill is located.

The deed was signed on March

1, 1913, by Johnson P. Porter, president, and A. H. Oshland, secretary of the Tidewater Mill company, and Frederick A. Gosham, vice-president, and George Hefferen, secretary of the Michigan Trust company.

BUILD IMMENSE MILL

The Guard has information that it is the intention of the mill company at some future date to entirely rebuild the mill at Florence and make it one of the largest in the United States. The filing of this mortgage and the securing of this large sum of money at this time is taken as indication that these plans may be carried out very soon.

It is the intention of the Southern Pacific company to build a branch of the Eugene-Coos Bay railroad from Acme to Florence, a distance of only three miles, putting that city practically on the main line. With the railroad and this immense sawmill the little city by the sea promises to become a second Aberdeen, Wash., in a very few years. There is more lumber cut in Aberdeen than any other city in the world, and as Florence has much more timber tributary to it than there is around Aberdeen there is reason to believe that even a much larger city may be built on the Siuslaw.

75 Years Ago

January 26, 1917

The prospect is that a shingle mill will soon be erected at Florence. W. D. Hull who has been a partner in the mill at Glenada, is promoting the enterprise, and is backed by some well-known capitalists.

Mr. Hull informs us that he expects to be sawing shingles here within sixty days. He intends to put in three machines which will give the mill a capacity of about 100,000 shingles for each working day. mll

75 Years Ago

January 26, 1917

The prospect is that a shingle mill will soon be erected at Florence. W. D. Hull who has been a partner in the mill at Glenada, is promoting the enterprise, and is backed by some well-known capitalists.

Mr. Hull informs us that he expects to be sawing shingles here within sixty days. He intends to put in three machines which will give the mill a capacity of about 100,000 shingles for each working day. mll

75 Years Ago

February 9, 1917

Ernest Walker and W. H. Thompson left last Friday for their homes at Vancouver, B. C., after spending nearly three weeks in this vicinity.

These men are engaged in manufacturing shingles and, having exhausted their timber at their present location, have been looking for a new place to engage in the same line of business.

While here they secured options on a large quantity of cedar on North Fork and agreed to make a cash payment on it the first of March.

They stated they will immediately ship their mill machinery and logging outfit here and begin building a mill on the Siuslaw.

They have rented houses in Florence and will bring their families here to reside. mlls

Suc. Pilot 4/23/1913

(article dated 3/27/1914) Johnson Porter said his mill in Florence will be sawing by April 6 and through summer. Prices are low on lumber, so they don't expect to do much logging this summer, but a large stack on hand needs sawing. By next winter, they expect to ship part by rail, a barge will take the empty cars from the railroad to the mill, and carry them back, loaded. Also, the lumber can be brought to tidewater by trains instead of depending on freshets as they are now doing.

ITEM: 1932 - Siuslaw News - Veneer mill be built at Booth - See: "Booth" File ... 1930'

Item: 1932 - Siuslaw News - Two Fire Alarms ... Grade School & Porter Mill - See: Disaster File

Siuslaw Oar 9/16/32 FIRE CREEPS UNDER ANCIENT WOOD FILL

A grass fire on the Tidewater Mill company's lots east of the mill spread over a small area Sunday afternoon. It was subdued by a bucket brigade which secured water from the river. Monday morning it was found that the fire had caught in the fill of old slabs which were piled up years ago and had spread in several directions. A line was stretched from a city hydrant and a stream of water was kept running for an hour or more to put the fire out.

The fill of slabs cover nearly a block altogether and had the fire secured a better start might have endangered the mill itself.

Tidewater Mill Co. Selling Off Fixtures

The Tidewater Mill company has authorized the local watchman, Larry Evans, to dispose of their office fixtures and all loose supplies. For years they refused to sell anything. As long as they held that attitude the local people had hope that one day the mill would be reopened.

Rumor is current that the various owners of large timber tracts on the Siuslaw are endeavoring to get the timber under the control of one head. It is presumed, if this is accomplished, that it would warrant the establishment of a big mill somewhere on the Siuslaw. There have, however, been many rumors of movements that were about to take place. Yet nothing was done.

Now the Tidewater is selling off a part of their equipment. It might mean something.

Winter weather slows sawmills in Oregon

The report of comparative figures on western lumber production, orders, shipments and inventories for the week ending Dec. 16 was issued by Western Wood Products Association last week. The information represents industry data from the 12-state western woods region.

Lumber production during the week was reported at 285 million board feet, 16 million feet less than the previous week. Orders were 297 million board feet, 43 million feet under the previous week's level. Shipments were reported at 272 million feet, a decrease of 14 million feet.

Figures for the same week a year ago show production at 370 million board feet, orders at 351 million feet and shipments at 341 million feet.

Year-to-date figures through 50 weeks of 1935 show production at 15.333 billion board feet, orders at 15.397 billion board feet and shipments at 15.351 billion board feet. Totals for a year ago at this time show production at 16.973 billion board feet, orders at 16.592 billion board feet and shipments at 16.713 billion board feet.

Inventories in the region are 2.101 billion board feet, 13 million feet more than the previous week.

Siuslaw News 3 Jan 1936

Siuslaw Oar 1/4/35 Old Settlers Gather for Fourteenth Meet

lumber. Mill turned lumber was often cast up by the sea and of course eagerly sought by whites and Indians alike. A good trail had been worn to Spruce Point and near there a board perhaps 8 or 10 feet in length was found that bore the name "Florence" in white letters. It was thought best to save this board and it was tacked up at one end of A. Moody's, the one store then existing. There it became so familiar a sight to those who came and went, that when a name for a postoffice for this new settlement was required, Florence was the general choice.

Need of a postoffice was great as all letters had to be brought from the Gardiner office at a 25 cents charge each. In the meantime, Thos. Saffley had shipped in lumber from Coos Bay and built the old Florence Hotel, burned November 19, and had used the historic board as a name plate for this hotel. Tom Saubert was the only other pioneer present who could remember seeing the board in its original form.

Lumber/mills

1930's

Journal of Forest
History -
Jan 1975
Issue
Kyle - mill
Kyle article
"A Special Break"
Museum let - 100914 on River

Four Shiploads Of ^{4/2/1938} Logs Go To Orient

Four shiploads of logs will leave Coos Bay direct for the orient this month, representing an increase over monthly shipments earlier this year. Exporters report the increase means little as far as trends are concerned, having been booked because of the availability of ships. The average thus far this year for export logs has been one shipload per month. First of the four shipments has just crossed out on the British motorship Hopecrest, direct for Chinese ports.

T A P S

Local folks who dodged the blasts which tore down the huge brick and concrete incinerator of the Porter brothers mill this week will never see the like again. It was built to withstand. None better. Idle for more than 25 years it withstood the elements and it took blast after blast to make even its weight give way in a serious portion. Men risked their lives in wrecking the structure, and so nicely was it done that adjacent buildings were undamaged.

The concrete blocks and the brick are a wreckage. It is a mess. The salvage is to be by hand. Each good brick must be selected by hand. The fire-brick is to be hauled to Portland (Florence doesn't need it). And of the machinery which might have been kept here the junking company asked prices which could not be met.

Some local people who have been employed in the highest mechanical development of this mill — which was at one time the best on the coast — shed tears when they view the displacing of a mill that in its entirety must have cost nearly a million dollars. Back of it were timber investors who had faith to the limit, and have passed on poor.

Florence was once destined to be a city of thousands. Its timber resources are incalculable to the ordinary mind. The mill was here and investments were made readily. There was no better mill at that time along this part of the coast and commerce on the river was really good.

Finest machinery, finely installed, is being dismantled. The best of saws, great band-saw carriages, resaws and timely conveyors surged the huge logs of the Siuslaw thru the mechanism of man's ingenuity to the ships which attracted the markets of the whole coast if not the world. Siuslaw timber had its place. (It is fitting at this place to say that Siuslaw timber-built homes are commended by even particular folks and knowing folks, for enduring stability.)

"When we folks are all forgotten," said one of our home men, the piling of the Siuslaw fir will stand as good as it was when it was driven.

Just what it means to tear down a mill with its seven big fine boilers and every equipment for industry at a few hours' notice — as it seems — is staggering even now.

Hope came upon hope that the mill would open. One year. Ten years. Twenty years. And now the blasts have torn down an incinerator, have cut cables, have promised to make the finest Corliss engines into slabs, and denuded one of the finest sawmills of its time. Folks who have the time sit on the corners and wonder what it is all about.

So far as the Oar can learn the building is to be wrecked. Possibly the sheet iron roof goes with the job. It may be. But all the iron, the boilers, the pulleys, shafting, and a ten thousand dollar sprinkling plant goes.

It is a terrible thing for a small town like Florence. A million dollar sawmill going over a night.

But, to ease readers who might feel sorry, this big plant has been idle for 20 years or more, throwing out several hundreds of employees. The mill never started after it closed. It was quite a blow to Florence.

In the immediate offing there is something coming, good, stable.

BOILERS BEING ARE PLACED IN POSITION

The two new boilers have been swung into position at the mill and brick layers are now putting in the fire brick.

A crew of men are removing the sand from the lots recently purchased by the Tide Water Mill Co. from A. E. Seaman. They have been working about a week now and are in where the bank measures fourteen feet high. The sand is hauled on dump carts to the east end of the mill where it is used to fill between the log way and bank.

It is the intention to make con-

siderable more yard room by driving piling and building a wall in extension of the one now built along the log drive. This wall will go as far as Howard street and then in a north easterly direction on the company's property, about 150 feet from the present bank.

The sluiceway that starts from the slab conveyor will be extended to carry waste slabs to be used to fill this space.

A few piling have been driven lately, but most of the work is held up on account of the scarcity of piling material.

Mrs. David Hunter and family, Mr. and Mrs. Jesse Rust and family, Miss Mary Johnston, of Portland; Mr. David Johnston, Miss Bessie and Herbret Wilbur, Mr. and Mrs. Clifford Edwards, of Eugene, Mrs. Mable Slemmons, of Florence, Messrs Cecil and Roy Kirby, of Mapleton, Emil Koplin, Clara Van Matie, of Albany, Helen Hunziker, Walter Rust, Sig Erickson, Joe Graham, Robert Lynch, Carl Price, and Ben Jay,

75 Years Ago Oct. 25, 1918

A raft of piling for the new sawmill was towed down the river Monday by the Minnie Mitchell and taken to the site a short distance above Spruce Point.

A crew of men have been at work for several days hewing out timbers to be used in building the foundation for the mill. The pile driver will begin driving piles for the foundation within a few days.

...
The Siuslaw coast guards were called out Tuesday afternoon for their first actual work of rescuing a vessel in distress. They were entirely successful in bringing the vessel into the harbor without any loss.

75 Years Ago February 9, 1917

Ernest Walker and W. H. Thompson left last Friday for their homes at Vancouver, B. C., after spending nearly three weeks in this vicinity.

These men are engaged in manufacturing shingles and, having exhausted their timber at their present location, have been looking for a new place to engage in the same line of business.

While here they secured options on a large quantity of cedar on North Fork and agreed to make a cash payment on it the first of March.

They stated they will immediately ship their mill machinery and logging outfit here and begin building a mill on the Siuslaw.

They have rented houses in Florence and will bring their families here to reside.

75 Years Ago Aug. 24, 1917

In reply to some inquiries about the application for a franchise for the Siuslaw Boom Company, L.E. Bean, attorney for the company, states that if granted, the public service commission will prepare the franchise itself. Mr. Bean says:

"The franchise asked for by the Boom Company is for driving rights on the upper river and the main tributaries, and for the boomage rights on the lower river. The law provides that the commission may grant an exclusive franchise to corporations organized and engaged in the business of booming sawlogs; and also the exclusive right to the driving of sawlogs in those streams that are not navigable, in fact, except for the driving of logs, and the corporation applying for such a franchise thereby submits itself to the jurisdiction of the public service commission and upon granting of a franchise the commission retains jurisdiction with power to provide rules and regulations under which such corporation must do business:..."

Lumber

The Delta Shingle Company, who shut down their mill some weeks ago on account of being out of logs, are making prepara-

MAKING MANY CHANGES AT MILL

While negotiations have been on some time for the four lots facing Front Street just east of the Lane County State Savings Bank, belonging to A. E. Seaman, it was only last week that the papers were made out and the deal closed, transferring this property to the Tide Water Mill Company. The old sorting chain and table will be taken out and the new one built so as to receive the lumber at a point west of the south west corner of the mill and will extend north across Front street to the lots just bought from Mr. Seaman. In connection with this new arrangement many minor changes will be made.

The company tried to secure the 25 foot lot belonging to Oscar Funke on the east side of the same block, offering to pay for it, at the same price per foot they had bought the property adjoining and west of it and to give lumber for the building, or to trade Mr. Funke the same sized lot next to the bank property, after it had been leveled, and move his present building or give him lumber for a new one, but up till the time of going to press there had been no adjustment of the matter.

These lots are now being cleared and will be graded down to the street level. Scrapers, dump cars and rails have been brought down the river to be used in the work of removing the sand.

Plans are now being drawn to change the trimmer to the south side of the mill building, and put in the air controller by which the man operating the saw-sets the saws by pushing down on keys. The lumber will fall from the trimmer on to live rollers that will carry it west and down on to a new sorting table which will be much longer than the old one. The compressed air system that is to be used in operating air controllers is already in and has been used since the mill closed to clean the loose dirt and dust from many hard places to other wise reach. The mill and yard is at present quite free from rubbish and presents a very neat appearance. The two new boilers are being placed in position and will have a roof built over them. Among other things to be done is the placing of a corrugated iron roof on the mill as an added protection from fire, and the painting of the mill soon. The wharf is to be extended east as far as the oil tank. This work will be delayed some because of lack of piling. Next week the pile driver will commence driving piles so that a bridge can be built just east of the mill to connect the lumber yard and wharf as a convenience in trucking lumber. A force of men is now kept busy at these improvements, and it is expected to have the plant in condition to saw to its full capacity.

*Seaside Pilot
4/12/1913*

W P I L O T

Suslaw Pilot

ER 22, 1913

10/22/1913

NUMBER 88

S OF
S HERE

TIDE WATER MILL TO BE IMPROVED

Inspector
M. Watkins
treasury de-
uesday morn-
inspect the
river.

arrests and
many more
plied with.
some of the
operators:
ight from
nd collision.
en drifting
y a red light

required to
oreach per-

long must
fire extin-
the pilot
the motor
many of
except
as not be-
ne for that
boat and
ner.

40 feet in

J. P. Porter and Arther Porter
came in Friday and left on the
Roscoe Saturday, for Coos Bay.

While here Mr. J. P. Porter,
made the following statements.
That the concrete work on the
railroad would be completed with-
in 60 days, and other work would
go on as rapidly as possible.
That the mill would soon close
down for repairs, and improve-
ments, and the addition of several
new machines. The dock will be
extended from the log hauler
east to the oil tank, on the boom
which is between 300 and 400
feet. The automatic trimmer
will be installed on the water
front side of the mill with the
sorting table of live rolls at the
east end of the mill running
north into the yard. Automatic
sprinklers will be put in all
through the mill, which will make
the danger from fire very remote
and also lessen the insurance rates.
Two new boilers will be installed
to increase the steam capacity to

run all the new machinery, and
much more if it is so desired, at
any time.

The plant will be increased to
cut 150,000 feet of lumber per day
and remodeled in such a way as to
decrease the cost, in doing so.
This work will take from 80 to 60
days to complete the changes
and it is expected, to run the
mill steady from then on, as
Mr. Porter is looking for good
prices, and a strong eastern
market, after the Panama canal
is opened to traffic. The barge
Lawrence will soon be in port
and added to the list of vessels
now already plying between
Florence and San Francisco.

Mr. Porter also made the state-
ment that he hoped Florence
would remain dry, as it increased
the cost of protection to the city
and brought in the riff-raff of the
outside world, which would add
crime to the community, and
make it an undesirable place for
him to run his mill, and work
hardships on the city merchants.

Lumber/mills

From: [Jason Kirchner](#)
To: [Glen Southerland](#)
Cc: [Wendy Farley-Campbell](#)
Subject: RE: Porter Boat Lift Application
Date: Tuesday, September 29, 2015 4:13:37 PM

Hi Glen,

We recommend that the applicant consider the alternative of launching, retrieving, and storage of their boat at local boat ramps, uplands, or at the Port of Siuslaw public marina, rather than building a new dock, lift, etc....Continuing to build docks/lift, etc. leads to cumulative impacts (shading, disturbance, predation, encroachment on open habitats, loss of wildlife feeding areas, public use, etc..) of our aquatic habitats and public trust resources.

If the permitting agencies (DSL & ACOE) allow this type of construction of a new boat lift, then we recommend following our ODFW dock guidelines. Based on the drawings and conversations with applicants consultant concerning the boat lift, the gangway appears to have grating and is high above the water surface so light penetration and shading should be reduced compared to a floating dock. A negative aspect of the gangway and lift appear to be quite long and extend a ways out into the estuary to reach deeper subtidal habitats. This is the first recreational boat lift of this kind and size in our district and we do not understand all of the potential fish, wildlife, and environmental impacts. The boat is quite large and will have a shade/cover impact that is not natural in the estuarine setting. This proposed dock like others may cause disturbance to waterfowl and other estuarine wildlife species.

Overall, we recommend that the applicant utilize existing boat launching facilities, and public marinas or to store in the uplands. One alternative to consider would be to have the boat lift closer to shore so that it does not reach out as far. This would limit the applicant to high tides to launch and lift but it would reduce the overall footprint of the boat lift structure in the estuary.

If the applicant does receive a permit to place the boat lift then we recommend that mitigation be implemented to offset impacts to fish, wildlife, and estuary habitats. The old piles from a past structure at the site has been proposed as mitigation by the applicant. We typically support the removal of old pilings that are derelict and no longer functioning. Removal of the piles will open up the sediment for shellfish burrowing and other benthic organisms, as well as water column space from above the sediments.

At this time I do not anticipate any problems with removing old pilings and man-made woody debris lumber from the past structure that was located here. The Port of Siuslaw has removed similar items in the past at their most recent dock repairs for mitigation. We would recommend leaving if any, native logs, or root wads (buried and surface).

1. Do the pilings and the trapped wood materials contribute to the ecosystem of the river or form a niche ecosystem? **The remaining woody debris does harbor some crabs, barnacle's, etc.. based on underwater video, but it is manmade and we are ok if it is removed. It appears that some of it is partially buried in the sand. Habitat as seen from photos and**

videos, show the area is dominated by sandy bottom, with some woody debris, organic matter, and shell hash.

2. Would removal of the pilings also remove habitat? Only a small amount of manmade woody debris. Would the removal of the pilings likely release previously trapped driftwood materials which encourage habitat in this area? The woody debris may or may not move if pilings are removed. I would recommend picking up the woody debris decking, and other manmade lumber, etc.. when removing the piles. Leave any native logs.
3. In order to mitigate concerns about erosion, the applicant has stated that they may cut pilings below the mud line. Is this an advisable solution to prevent erosion or does it create new problems? We recommend pulling the complete pile out of the sediment. If the pile does break and cannot be removed whole, then yes we are ok with cutting 3' below the mudline surface. Where at the site is there a concern for erosion? The bottom, bank?? The estuary is always changing so I would recommend discussion with an engineer if erosion is a concern. The applicant has also stated several times that cutting the pilings would release creosote into the estuary, which is the reason he cites that the pilings should be removed to begin with. If the piles do need to be cut, there is a possibility of treated wood chemical release. I did witness a recently cut pile at the site and the wood did not look heavily treated, appeared to be primarily wood. The piles appear old so most of the creosote may have already leached out years ago.
4. What is the minimum number of pilings to be removed to satisfy mitigation requirements for the nine added pilings? The applicant has proposed to remove ~37 pilings at the site and we agree with removing all the pilings for this activity.
5. Is there a more desirable solution to ODFW than removing the pilings? Ideally removing a dock and pilings of similar or larger footprint would be the best scenario. The pilings are in the City's platted ROW and the City may decide to keep and remove them in the future for mitigation for another project. Would ODFW encourage the removal of some or all of the pilings at this time or would the City be able to use this mitigation for our own projects (like the Siuslaw Estuary Trail) in the next couple of years? We would recommend removal of all the piles and woody decking if this project is approved. Would the applicant be able to purchase mitigation credits at the Wilbur Island bank? The impacts created here from a high lift dock are different than the Wilbur Island bank habitats. We would recommend to DSL to conduct on site mitigation rather than purchase credits.
6. To the best of your knowledge, are the applicant's statements about the ecosystem (attached) true and accurate?

There will be cumulative impacts with the addition of this new boat lift and gangway in the Siuslaw estuary. The boat has been described as a large catamaran which will create a significant overwater structure. The gangway has been proposed to extend out from 80' to 110' feet from shore so, it's not known what the exact distance from shore it will be. We would recommend keeping as close to shore as possible to minimize footprint impacts. This is the first recreational high lift dock proposed to be installed on the mid coast and all of the potential impacts are not fully understood. Underwater video has documented that the bottom is mostly composed of sand, with some organics, woody debris, and shell hash. Dungeness crab, flatfish and barnacles were observed in the project area. This was not a comprehensive survey but rather a snap shot in time to get a better sense of the substrates in the area.

Hope this helps, let me know if you have any questions.

Thank you.

Jason Kirchner
Estuary and Freshwater Habitat Biologist
Oregon Department of Fish and Wildlife
2040 SE Marine Science Drive
Newport, OR 97365
541-867-0300 ext 281
541-867-0311 -fax

From: [REDON Charles](#)
To: [Glen Southerland](#)
Cc: [PERINO Charles](#); [LEAS Christina](#); [Wendy Farley-Campbell](#)
Subject: RE: Porter Boat Lift - PC 15 16 CUP 09, DSL 58362-FP
Date: Friday, September 25, 2015 1:38:17 PM

Hi Glen,

I haven't fully reviewed the revised removal-fill application yet, but I had asked for revisions to the first one that included a better description of the mooring buoys and the mitigation plan. The applicants would also need 2 proprietary authorizations from our Department: one short term access agreement for removing pile and one for placing a structure in the state owned waterway. The proprietary authorizations will be handled by Christy Leas and Chuck Perino in our office.

Regarding concerns over erosion from piling removal, we would evaluate any comments received once we put the complete application out for review. Feel free to let folks know about our website or pass on my e-mail if they want to register comments when that occurs.

- 1) When piling are removed under a DSL permit we usually require they are pulled straight out, usually done with a vibratory hammer on the outgoing tide with the intent of keeping them whole. We would only allow cutting below the mudline as a conditional alternative when a pile is inadvertently broken while being pulled. Pulling unneeded creosote treated piling is the most common method of mitigating for new piling.
- 2) Mitigation for the piling themselves would be required at a minimum of 1:1, but we would also required mitigation for the anchors for the two mooring buoys, that amount has not been decided by DSL.
- 3) Pulling unneeded creosote treated piling is probably the most common method of mitigating for new piling. In a nutshell, state law requires lost functions and values to be replaced, and this is the most common sense, direct form of mitigation. State law also allows for mitigation plans to propose out of kind mitigation, if it is preferable given several criteria. This information would need to be provided to support a purchase at the Wilbur Mitigation Bank or any other sort of mitigation.
DSL did not ask or require that 37 piling be removed, it is simply what was proposed by the applicant. It is unlikely that we would discourage someone from removing treated wood from an estuary, however if that is a concern for the City, please submit that information during our review period; before our final review occurs.

Let me know if you have any other questions about our process,

Regards,
Charles

My primary contact number is 503-302-6045 while we are converting to a new phone system.

Charles Redon, Aquatic Resource Coordinator
Aquatic Resource Management Program
Oregon Department of State Lands
Fax (shared) 503-378-4844
www.oregonstatelands.us

775 Summer St. NE, Suite 100
Salem, OR 97301

Larry Porter

Issue #1

From: Kathy Stroud <kstroud@uoregon.edu>
Sent: Monday, August 24, 2015 4:53 PM
To: larry@solvit-international.com
Cc: map@uoregon.edu
Subject: Spruce Point Cemetery

Larry,

I know you've been corresponding with Sarah on the Spruce Point Request. She is sending you a link where you can download the map scans.

I just located a 1979 ODOT map of Florence that shows Spruce Point Cemetery in the same location of the map scan you sent (Spruce Point Cemetery). This is the only map we were able to locate showing Spruce Point Cemetery. The earlier editions of the map (1963, 1968, and 1974) do not show a cemetery near Spruce Point.

The USGS Geographic Names Information System (<http://geonames.usgs.gov/domestic/>) lists a Spruce Point Cemetery at:

Address: 180 Rhododendron Drive

City: Florence

State: OR

ZIP: 97439

The cite the 1979 ODOT map as their information source.

I hope this information is useful.

Kathy Stroud
David and Nancy Petrone Map/GIS Librarian Knight Library
1299 University of Oregon
Eugene, OR 97403-1299
541-346-3051

ISSUE 4



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department
Oregon Commission on Historic Cemeteries
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0685
Fax (503) 986-0793



August 18, 2015

Glen Southerland
City of Florence
Community Development Department
250 Hwy 101
Florence, OR 97439

Re:
RESOLUTION PC 15 16 CUP 09 – Porter Boatlift

Mr. Southerland:

I am the coordinator of the Oregon historic cemeteries program, part of Heritage Programs of Oregon Parks and Recreation Department. Our program coordinates the work of the Oregon Commission on Historic Cemeteries. Thank you for notifying the commission on the Porter Boatlift project.

Historic record indicates that there was a cemetery in or near the area of the work to be completed on the boatlift. There should be a plan in place in case human remains are discovered during the course of work. Should this occur all work must stop to address the human remains. Also, at this point the location would be an archaeological site and the property owner must contact that State Archaeologist, Dennis Griffin, at Dennis.Griffin@oregon.gov or 503-986-0674.

Please contact me at (503) 986-0685 or kuri.gill@oregon.gov if you have questions.

Sincerely,

Kuri Gill
Historic Cemeteries Program Coordinator
(503) 986-0685
Kuri.Gill@oregon.gov



Oregon

Parks and Recreation Department

August 11, 2015

Ms. Vevie Popplewell-Walker
City of Florence
Planning
250 Hwy 101
Florence, OR 97439

RE: SHPO Case No. 15-1266
City of Florence, Resolution PC 15 16 CUP 09, Porter Boatlift
Construction
100 Rhododendron Drive, Floren, Lane County

Dear Ms. Popplewell-Walker:

Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

Issue 3

Larry Porter

From: Greg Swenson <greg.swenson@pbsenv.com>
Sent: Thursday, August 20, 2015 10:56 AM
To: Larry Porter
Cc: Paul Slater
Subject: FW: Porter boat lift

Larry-

This is the email from Jeff at NMFS confirming the use of SLOPES. This means that, as designed, your project meets the requirements of the Endangered Species Act. This is a critical step in the process and definitely a win.

Greg Swenson, PWS

Sr. Project Manager

greg.swenson@pbsenv.com
503.935.5492

PBS Engineering + Environmental

Engineering | Natural Resources | Environmental | Health and Safety

www.pbsenv.com

4412 SW Corbett Ave. Portland, OR 97239

ph: 503.248.1939 - fax: 866.727.0140

This electronic communication and its attachments are intended only for the person(s) to whom it is addressed and may contain confidential information. If you are not the intended recipient of this message, you are hereby notified that any use, retransmission, distribution, reproduction or any action relying upon this message is prohibited. If you have received this information in error, please notify the sender.

From: Jeff Young - NOAA Federal [mailto:jeff.young@noaa.gov]

Sent: Tuesday, August 18, 2015 3:57 PM

To: Greg Swenson

Subject: Re: Porter boat lift

Hi Greg,

No problem. After discussing internally, we are ok with the current location of the lift and would use SLOPES for ESA coverage of the current proposal. We, however, do not want to see it moved any closer to the shoreline. Let me know if you would like to discuss further.

Regards,

Jeff Young
Oregon-Washington Coastal Office
Oregon Coast Branch
2900 NW Stewart Parkway
Roseburg, Oregon 97471
Phone: 541-957-3389
Jeff.Young@noaa.gov



On Tue, Aug 18, 2015 at 3:45 PM, Greg Swenson <greg.swenson@pbsenv.com> wrote:

Jeff-

Thank for your time yesterday. As we discussed, I'm hoping that the project, as designed, will meet the requirements of SLOPES.

Any feedback that Ken can provide on the distance from shore/MLLW question is greatly appreciated.

Thanks again.

Greg Swenson, PWS
Sr. Project Manager
greg.swenson@pbsenv.com
[503.935.5492](tel:503.935.5492)

PBS Engineering + Environmental
Engineering | Natural Resources | Environmental | Health and Safety
www.pbsenv.com
4412 SW Corbett Ave. Portland, OR 97239
ph. [503.248.1939](tel:503.248.1939) fax [866.727.0140](tel:866.727.0140)

This electronic communication and its attachments are intended only for the person(s) to whom it is addressed and may contain confidential information. If you are not the intended recipient of this message, you are hereby notified that any use, retransmission, distribution, reproduction or any action relying upon this message is prohibited. If you have received this information in error, please notify the sender.

Issue 3

From: Glen Southerland
To: Yvonne Walker
Subject: RE: Florence--PC 15 16 CUP 09
Date: Thursday, August 20, 2015 8:22:59 AM

From: Jason Kirchner [mailto:jason.a.kirchner@state.or.us]
Sent: Wednesday, August 12, 2015 1:19 PM
To: Wendy Farley-Campbell <wendy.farleycampbell@ci.florence.or.us>
Cc: Glen Southerland <glen.southerland@ci.florence.or.us>
Subject: RE: Florence--PC 15 16 CUP 09

Hi Wendy,

Here are some of my thoughts and recommendations on this proposed boat lift.

Pile removal mitigation:

The old piles and woody decking and lumber debris are from a past structure. It appears there may be a couple of native logs that we would recommend to remain. We typically support the removal of old pilings that are derelict and no longer functioning. Removal of the piles will open up the sediment for shellfish burrowing and other benthic organisms, as well as water column space from above the sediments. It appears from the photo that the algae looks like *Ulva* spp. Probably, *Ulva lobata* AKA "Sea Lettuce". I do not see any eelgrass based on the photo.

At this time I do not anticipate any problems with removing old pilings and woody debris lumber from the past structure that was located here. The port of Siuslaw has removed similar items in the past at their most recent dock repairs for mitigation. We would recommend leaving the native logs (buried and surface). The one or two old broken piles that are holding the native logs in place could be retained to help keep the logs in place for longer term habitat if desired.

I will try to take a look at the site in person as soon as I can to assess it visually.

Gangway and boat lift:

We always recommend that applicants consider the alternative of launching and retrieving their boats at local boat ramps and to store them in the uplands (e.g., own property, storage facility, etc.) rather than building a dock, lift, etc...Continuing to build docks/lift, etc. leads to cumulative impacts (shading, disturbance, predation, encroachment on open habitats, loss of wildlife feeding areas, public use, etc.) of our aquatic habitats and public trust resources.

Based on the drawings and conversations concerning the boat lift, the structure appears to have grating and is high above the water surface so light penetration and shading should be reduced compared to a floating dock. The gangway and lift appear to be quite long and extend a ways out into the estuary to reach deeper subtidal habitats. As you can see in the photo, an adjacent dock extends clear out into the subtidal areas. These docks can cause waterfowl/bird flight pattern adjustments, possible public use of estuary issues, disturbance to waterfowl and other estuarine wildlife species.

EXHIBIT I

I have not seen the technical drawings from the DSL permit application but will review those when open to public comments.

Overall, we recommend that the applicant utilize existing boat launching facilities and store in the uplands. The lift application does appear to mostly meet our boat dock guidelines, but it does extend quite a ways out into the estuary across intertidal areas and into subtidal habitats. One alternative to consider would be to have the boat lift closer to shore so that it does not reach out as far. This would limit the applicant to high tides to launch and lift but it would reduce the overall footprint of the boat lift structure.

Hope this helps, let me know if you have any questions.

Thank you.

Jason Kirchner
Estuary and Freshwater Habitat Biologist
Oregon Department of Fish and Wildlife
2040 SE Marine Science Drive
Newport, OR 97365
541-867-0300 ext 281
541-867-0311 -fax

Larry Porter

From: Greg Swenson <greg.swenson@pbsenv.com>
Sent: Thursday, August 20, 2015 10:54 AM
To: Larry Porter
Cc: Paul Slater
Subject: RE: Florence Council meeting

Larry-

The mitigation preference comes from federal code and guidance.

The Army Corps 2008 mitigation rule:

1. 33 CFR 332.3 (a)(2) establishes that restoration is the preferred form of compensatory mitigation. Restoration in this case means restoring the river bottom to a pre-piling state.
2. 33 CFR 332.3 (b)(5) establishes that "in-kind" mitigation is the preferred form of mitigation. This is a long-held standard that means if you fill in the river you need to restore in the river.

For compliance with the federal Endangered Species Act, the National Marine Fisheries Service (NMFS) provides design guidelines for expedited permit review. This is called Standard Local Operating Procedures for Endangered Species (SLOPES). Design criteria for general construction at 1.3.1.3(14) establishes the requirement for compensatory mitigation 1.3.1.3(14)(b) identifies acceptable mitigation as removal of existing overwater structures or restoration shallow water habitat. Jeff Young at NMFS verified on 8/18/15 that the project as proposed (mitigation proposal included) fits the SLOPES requirements. I will send you that email. The email also contains a statement from NMFS that they don't want to see the lift closer to shore like ODFW suggested.

I agree that the historical property/cemetery comment may linger unless it can be proven ASAP that the mill and cemetery were somewhere else. As I mentioned this is often addressed by a professional consulting archaeologist.

Issue #3 is contrary to the typical interpretation of derelict pilings in the river. Rather than a niche ecosystem this type of material is generally viewed as refuse, a potential hazard to navigation, and a potential source of creosote leaching into the river. As noted above, the regulatory approach is to get this material out of the water. The presence of preservative-treated pilings (SLOPES defines creosote as an oil-type wood preservative) is considered to be impactful in aquatic environments. Therefore, the proposal to install steel pilings and remove creosote-treated pilings is consistent with standard practice.

Issue #4 I can speak to based on the standard practice of removing derelict pilings and the armored nature of the riverbank in the area. If removal of pilings represented such a risk to erosion, and therefore destruction of habitat, the regulators would be more focused on this issue. Further, the embankment is armored which will provide a degree of protection against erosion and scour.

Regarding the unsightliness question: the way I've seen this addressed is, as you say, graphics with dunes in the background. You would want to capture a view that includes at least one of the other docks to demonstrate that your proposal is consistent with existing uses in the area. My opinion is that this area has a history of industrial, residential, and recreational activity and that your proposal is not out of the ordinary.

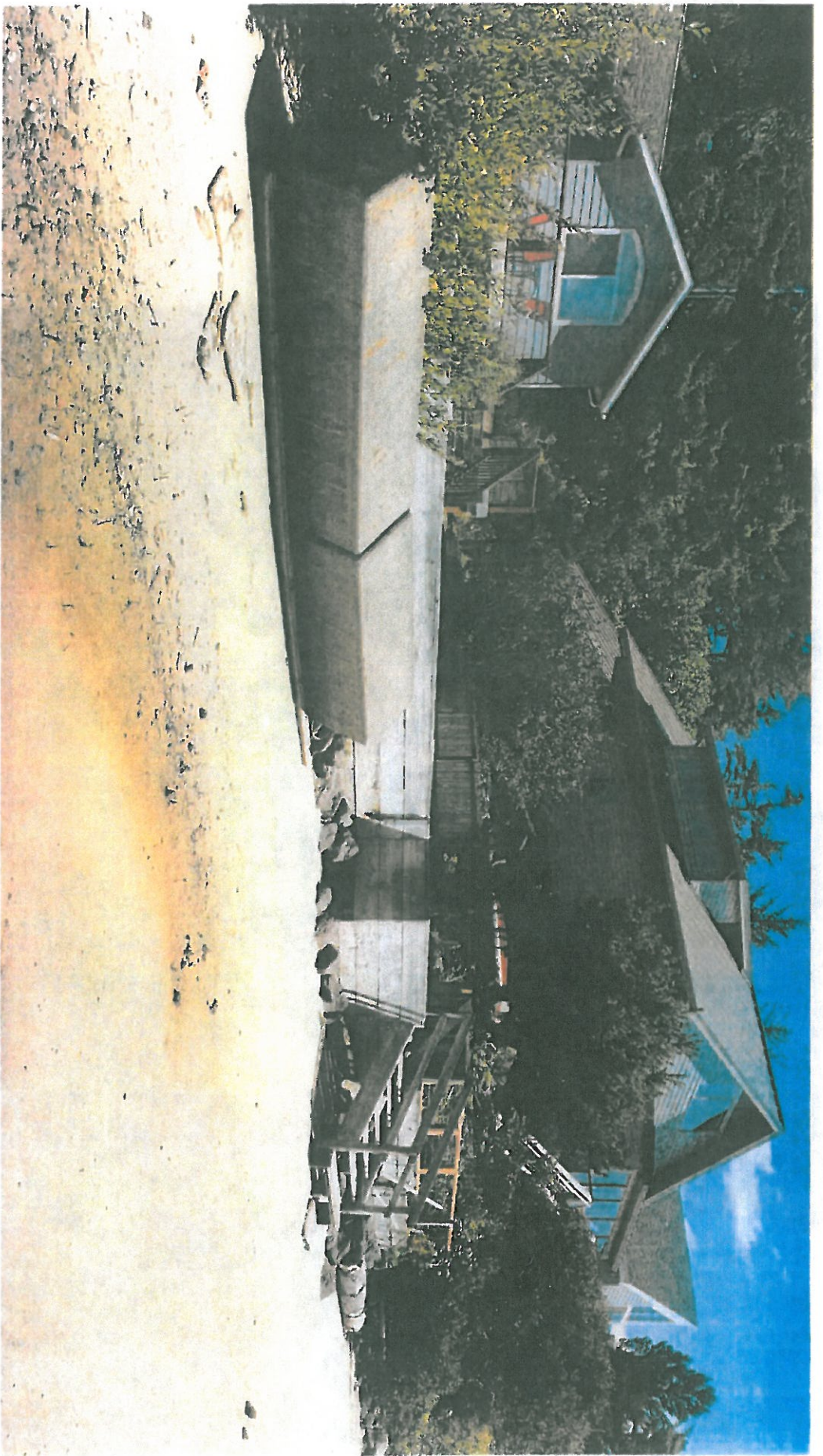
Please note that we are very close to completing our scope of work. We had reserved 6 hours of time for dealing with comments. That time has been used. The remaining budget (~\$320) is intended to complete the Waterway Structure Registration Application after permits are issued.

Greg Swenson, PWS
Sr. Project Manager
greg.swenson@pbsenv.com
503.935.5492

PBS Engineering + Environmental

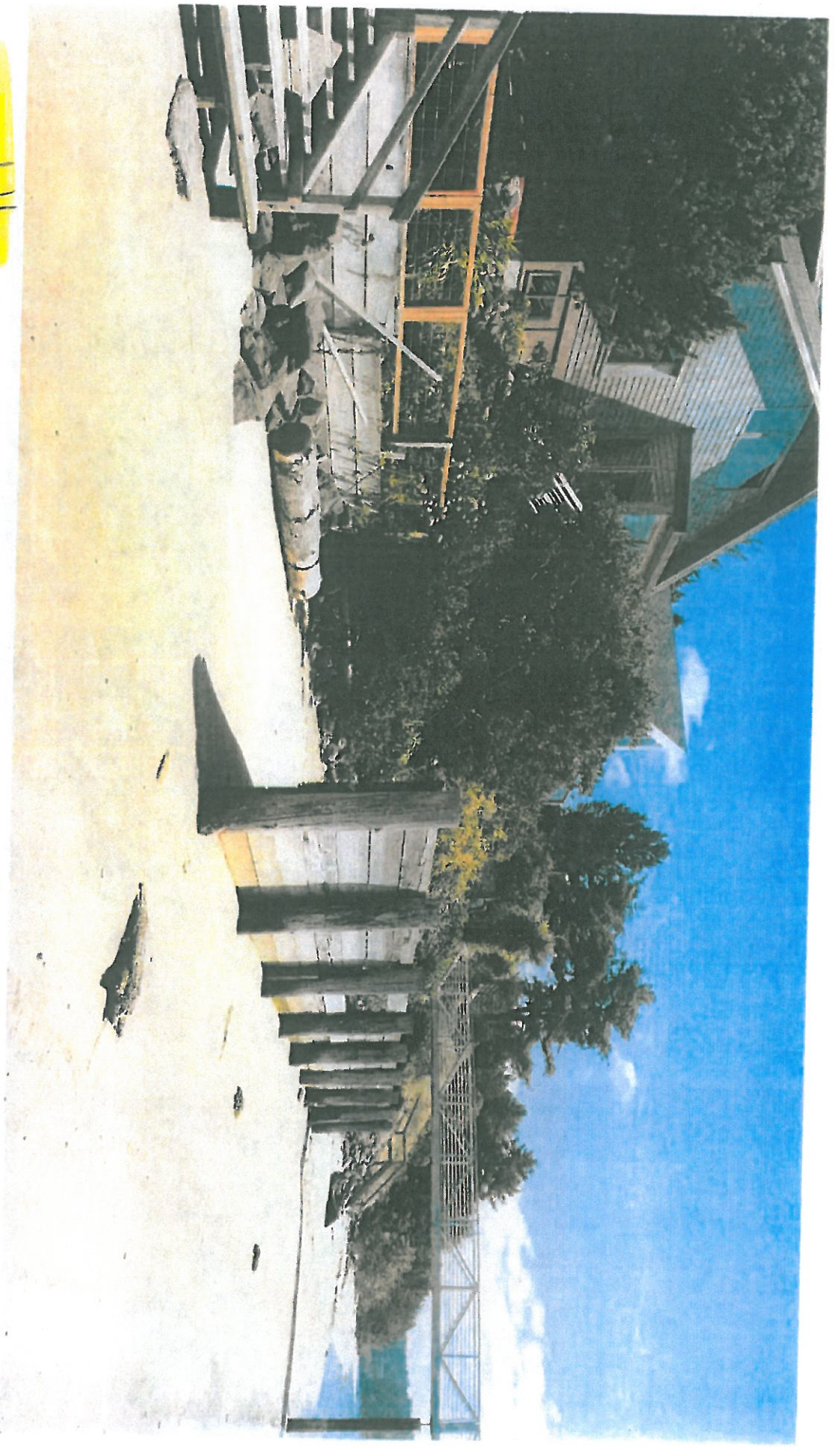
Cond #11
Issue 4





Issue 4
cloud #11

~~Q180~~ + 240 ~~Q180~~
Armour bank

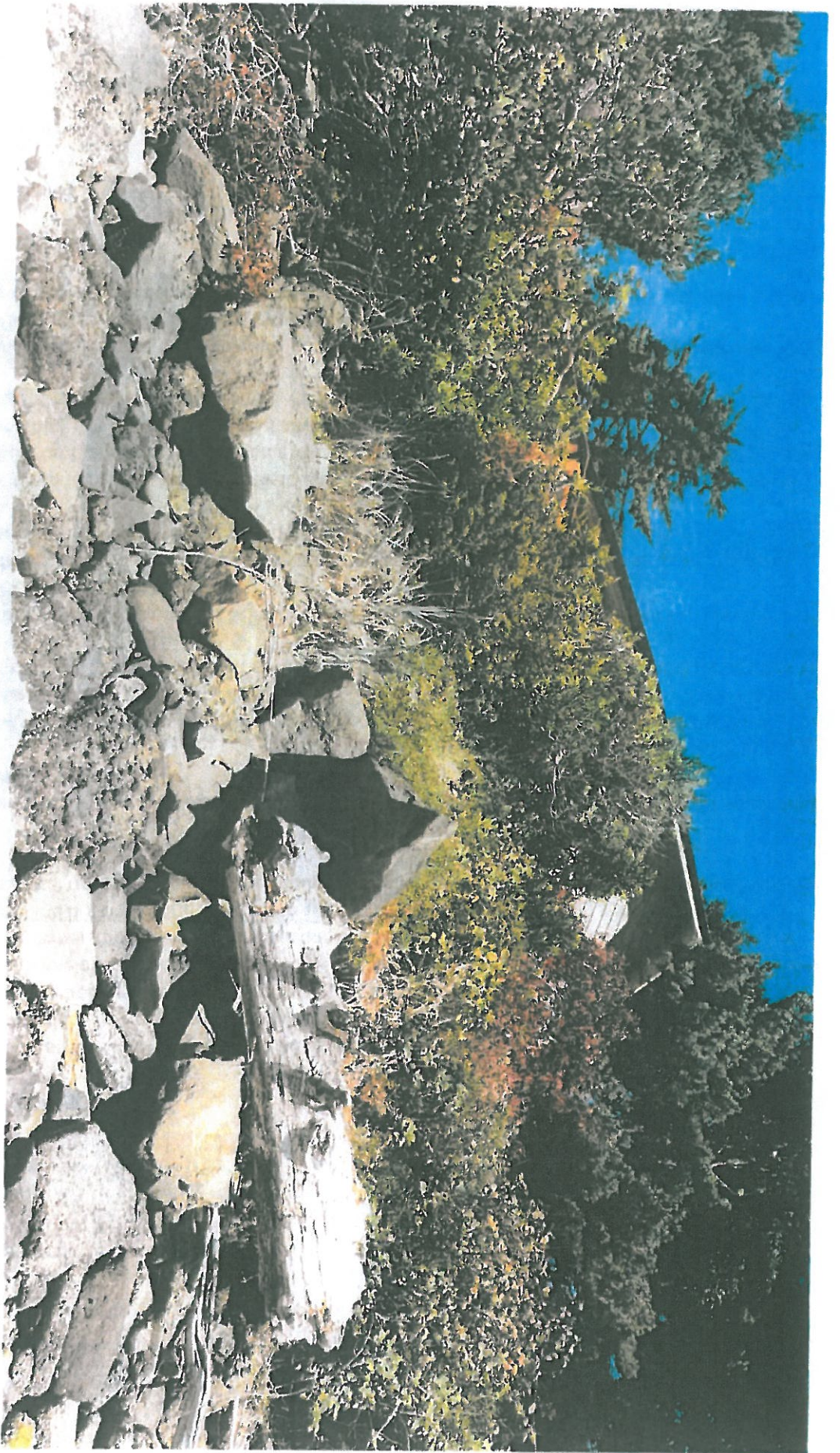


Candall
Tissue 4

240 Rhododendron
Sea walls



Cond #11
Issue 4



Issue 4



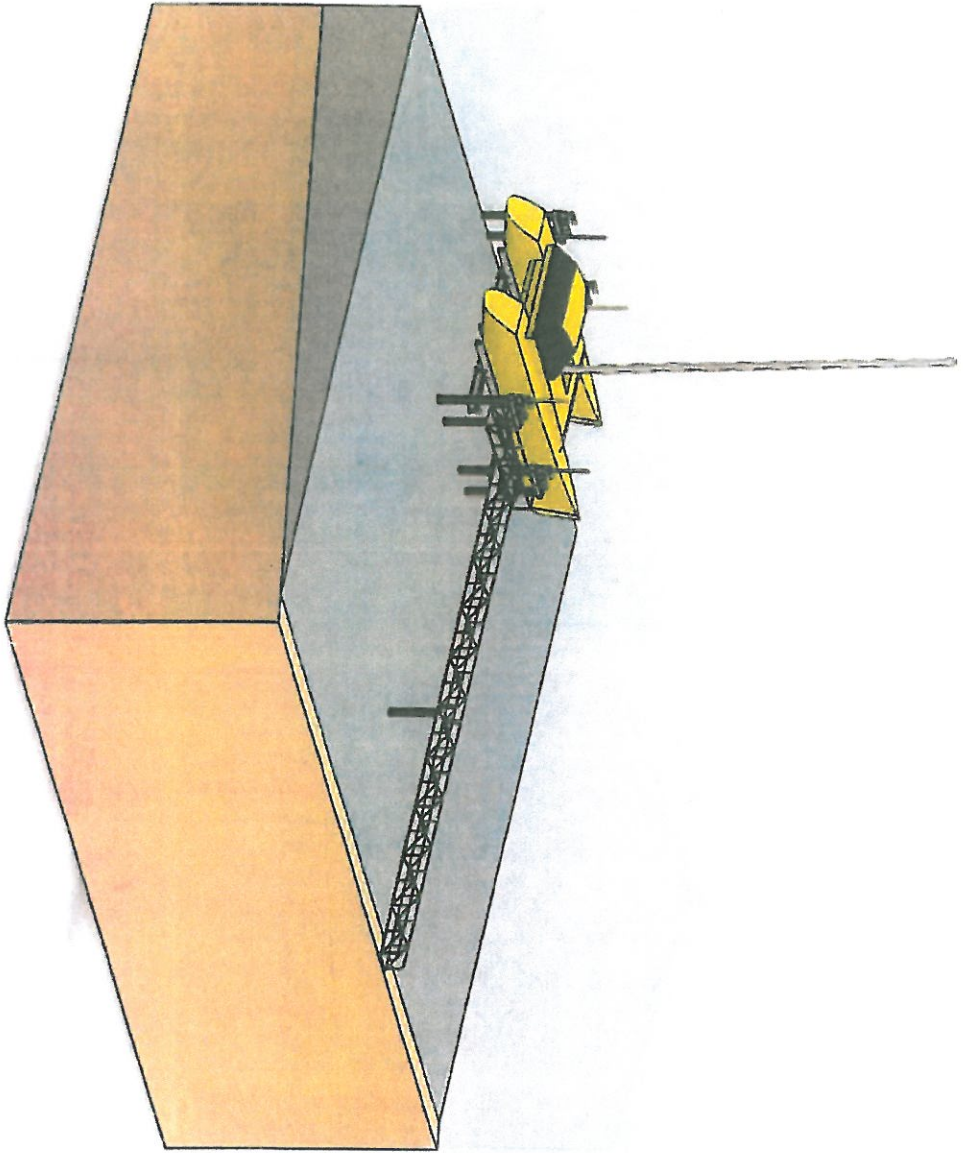
cond #11



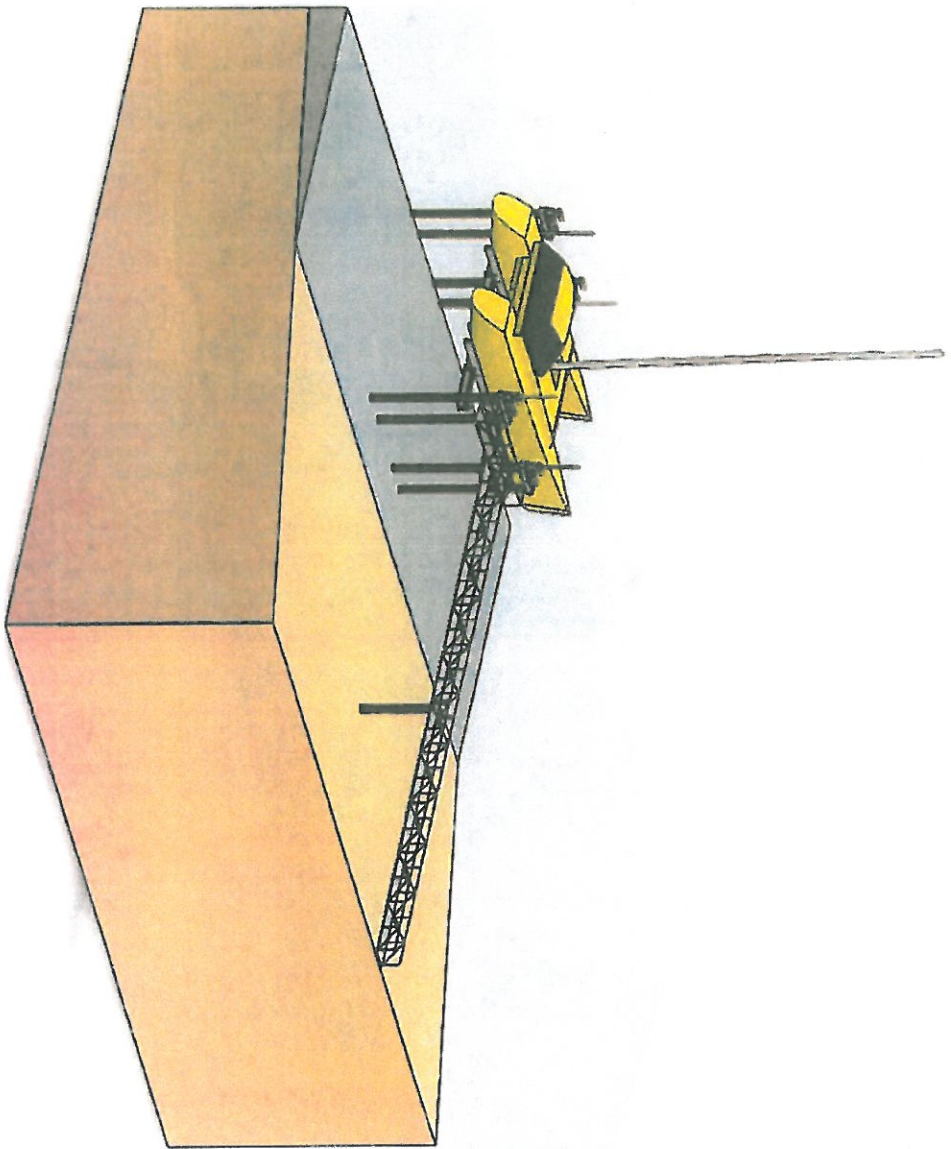
Cand #11



913 Rhododendron Deck
cond #11



cad #11

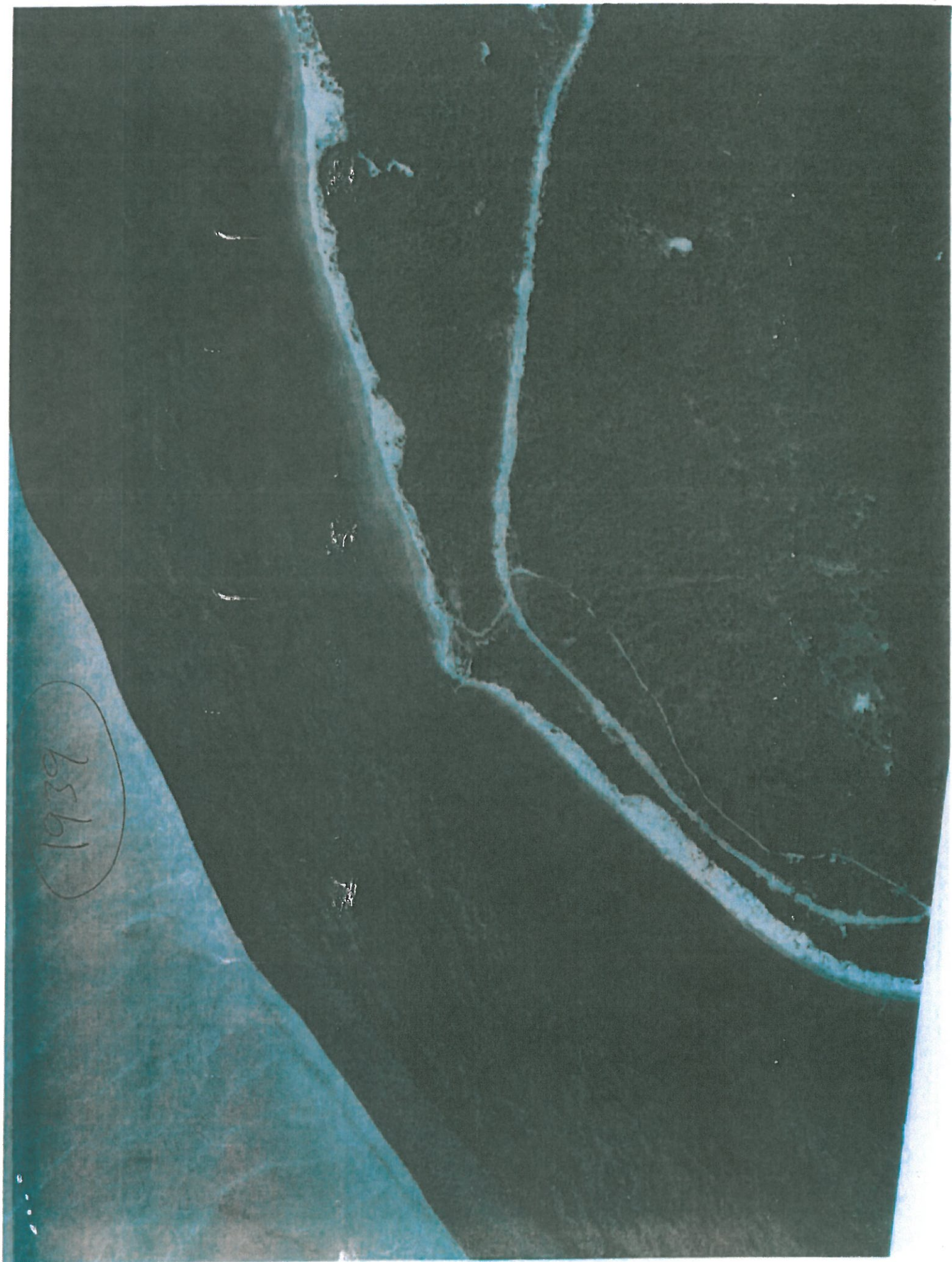


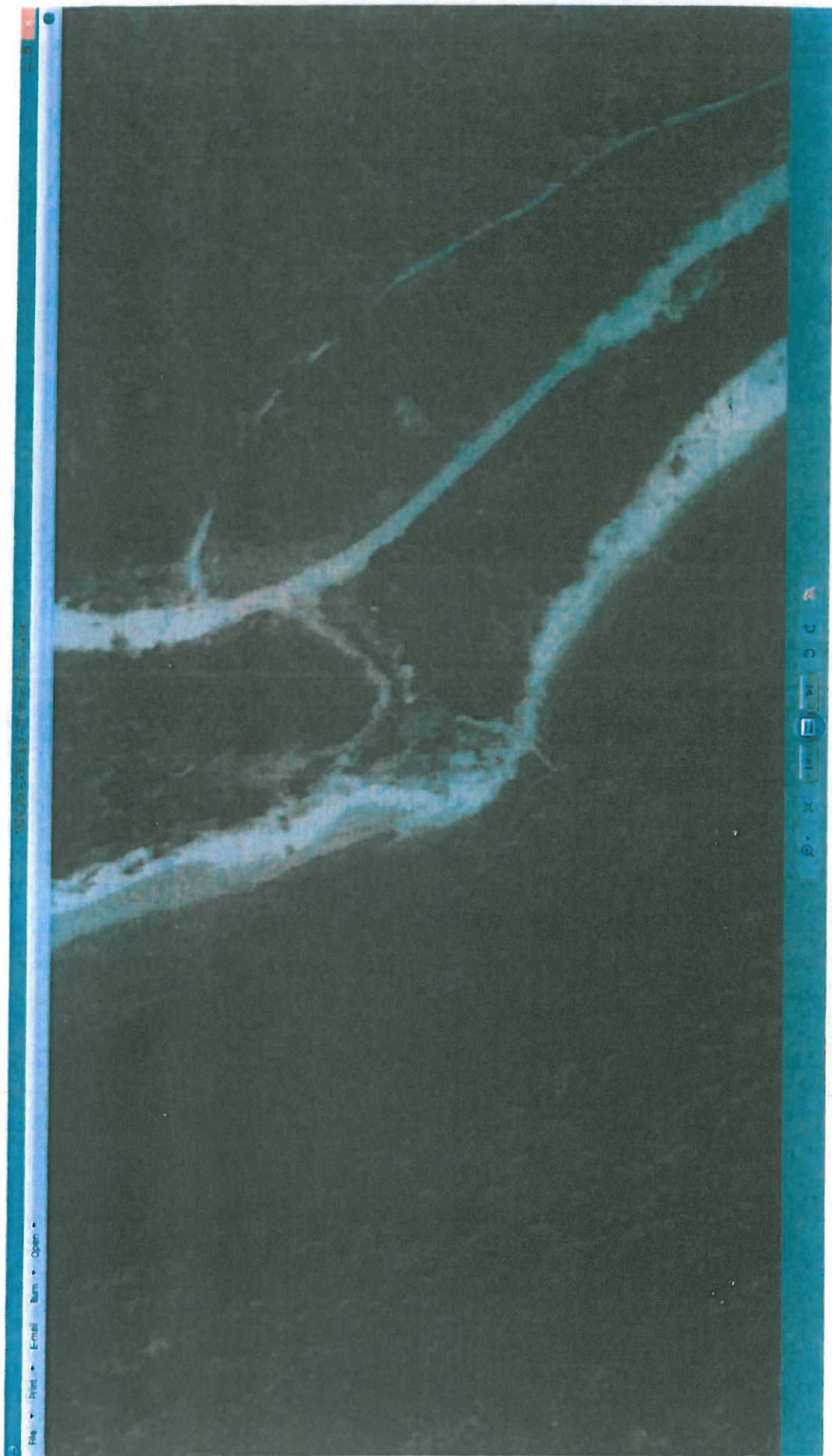
Cond #11



Cord #11

280 Rhinoceros
Dock





1939



UNITED STATES - WEST COAST
OREGON

SIUSLAW RIVER

Scale in feet
1:62,500
1 inch = 520 feet

NAUTICAL MILES
1:125,000
1 inch = 1.05 miles

1932

Chart
The bar is shown to indicate changes in depth and is subject to change in position.
The numbers in the bar are the numbers of the bar in the water and the numbers in the bar are the numbers of the bar in the water.

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

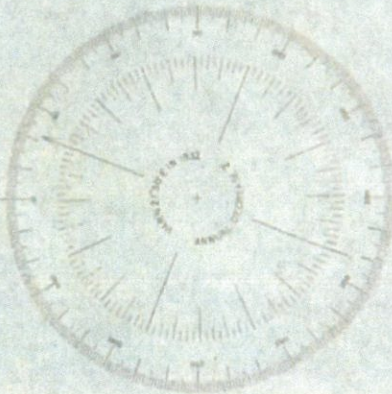


Chart
The bar is shown to indicate changes in depth and is subject to change in position.
The numbers in the bar are the numbers of the bar in the water and the numbers in the bar are the numbers of the bar in the water.

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart
The bar is shown to indicate changes in depth and is subject to change in position.
The numbers in the bar are the numbers of the bar in the water and the numbers in the bar are the numbers of the bar in the water.

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

Chart

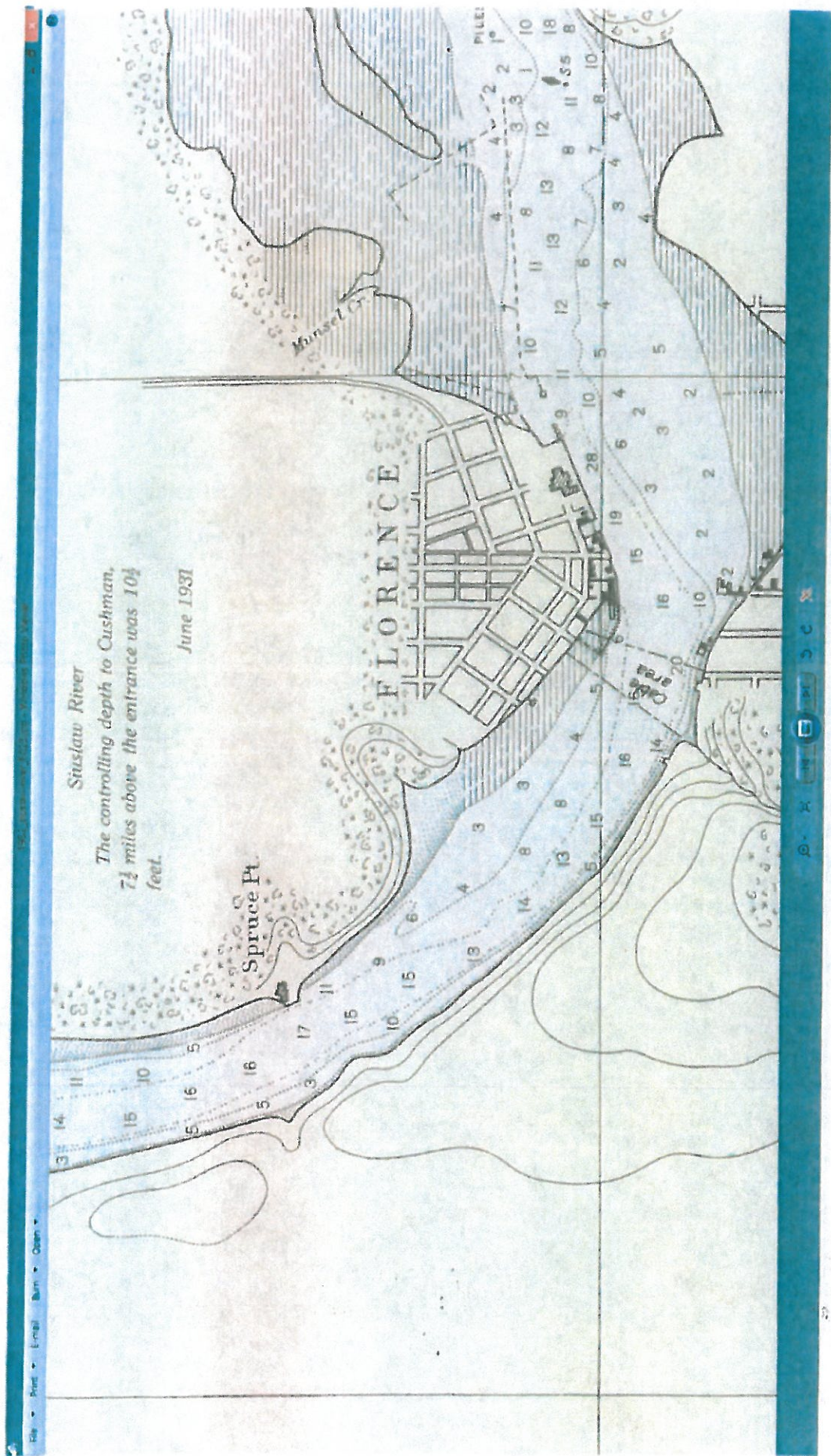
Chart

Chart

Chart

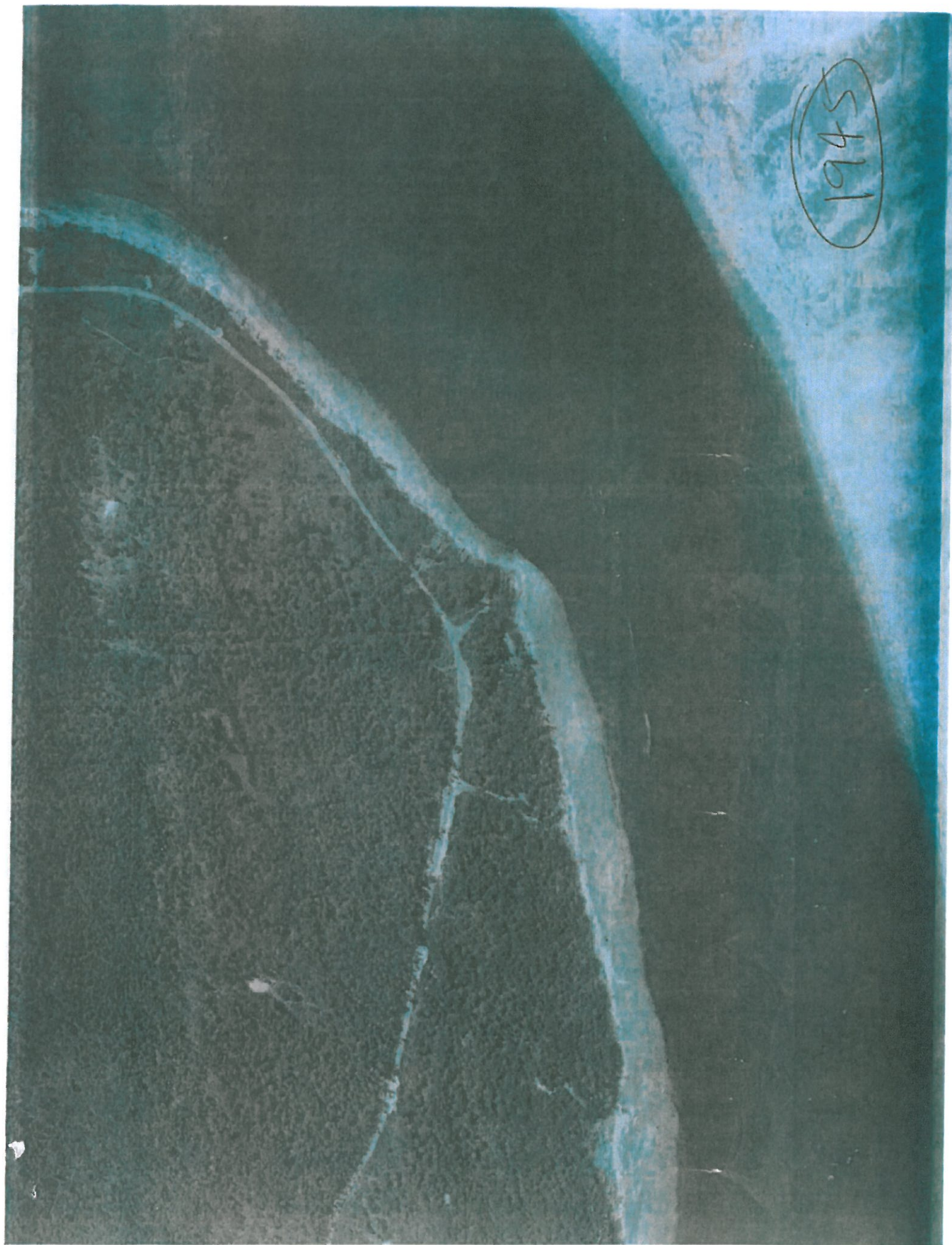


L.B



1932

1945





Glen Southerland

From: Larry Porter <larry@solvit-international.com>
Sent: Monday, August 24, 2015 6:53 PM
To: Glen Southerland
Subject: RE: Spruce Point Cemetery is located at 180 Rhododendron
Attachments: 1945_5m_161-18.jpg

Glen,

Attached is 1945 aerial photo of the site, and no mill was there at that time.
Interestingly if you look closely I think you can see the cemetery where 180 Rhododendron is now.
At least there is some cleared area there.

I have some earlier charts and a 1939 Aerial that looks like something was there, and there is 1904-20 references to Spruce Point Mill, although after 1931 the location was imply referred to as Spruce Point, the mill was no longer there sometime between 1920 and 1931.

So I will concede there was a Spruce Point Mill here. The question is who owned it, and are the remaining piles a significant historical artifact of this old mill.

I hope my permit will not be held up for this issue. Dennis Griffin has told me it is not significant if piles are the only artifact remaining from a historical building. Many have been removed throughout Oregon, as the material is not considered good for the environment, even if more than 75 years old. There is a reason they have lasted this long. They are impregnated with creosote.

I hope the city can look at the precedents for removal of similar old pilings, the SCOPES requirements, and make an appropriate determination so I do not have to go through the process, time and money to get written statement from the state of Oregon these old piles are not a significant historic artifact.

Thanks.

Larry Porter
SolviT

503-763-6659 Office
503-510-3697 Mobile

From: Larry Porter [mailto:larry@solvit-international.com]
Sent: Monday, August 24, 2015 6:07 PM
To: 'Glen Southerland' <glen.southerland@ci.florence.or.us>
Subject: Spruce Point Cemetery is located at 180 Rhododendron

Glen,

See attached.
It seems the cemetery is located at the Shafer property.
I hope they aren't doing any gardening. ☺

A copy of this email will be in the document package I send you tomorrow.



Billeter Marine LLC

CCB# 166653 • UBI# 603 082 610

541-269-8600

**520 3rd Court
Coos Bay, Oregon 97420**

billetermarine.com

billeter_marine@frontier.com

9/15/15

Larry Porter

RE: Shoreline Erosion

Larry,

Billeter Marine, cannot make any validated assumptions on the future effects to your neighbors in regards to shoreline erosion caused by the wind, currents, wave activities, etc. However in the past 12 years we have never witnessed or been made aware of any shoreline erosion caused by piling removal. In your particular case you are incurring the cost of removal of several derelict and abandoned piling for the improvement of your property and your surrounding neighbors. Furthermore, once the rotten wood pilings have been removed you will be building a new structure out of steel piling in the same location as the wood piling. In my professional view, if the neighbors are nervous of their shoreline eroding way due to "mother nature" then they should take preventive measures to protect their shorelines and allow you to upgrade your property.

Respectfully,

Pete Billeter
Manager, Billeter Marine

From: [Dean, Benny A Jr NWP](#)
To: [Glen Southerland](#)
Cc: [Wendy Farley-Campbell](#); [Jason Kirchner](#); [Groth, Katharine C NWP](#); [Firstencel, Heidi NWP](#)
Subject: RE: Porter Boatlift Project - Florence, OR (UNCLASSIFIED)
Date: Tuesday, September 29, 2015 2:44:03 PM

Classification: UNCLASSIFIED

Caveats: NONE

Good Afternoon Mr. Sutherland,

You are correct about pending applications. If the project is not a standard permit, it would not be a pending Individual Permit, especially if it fits a Nationwide, that's why it would not be posted on our Corps website. I am not certain about the current status of the permit or the proposal since I have been recently re-assigned to Benton, Lake, and Harney Counties. The new contact with the Corps for Lane County is Ms. Heidi Firstencel, I have cc'd her on this email. I can still help re-direct questions and comments as things arise. Right now Ms. Firstencel is out of the office, I do not have enough information to let you know how long, but I know she may be able to get in contact with you once she is back in the office.

As for the best comments you may get about erosion from piling removal I would suggest to discuss the issue with ODFW (Mr. Jason Kirchner) since they have seen this occur in the area before. There are 'training' pile dikes on some rivers such as the Columbia River, but I am unaware of any piling training structure on the Siuslaw. Another contact who could shine some light on the question is from the Corps Navigation Office (Ms. Kate Groth). She is familiar with where these training structures are and the Navigation Office knows more about the effects of piling removal since Navigation does a lot of work along the coastal rivers and installs and removes dikes to help maintain navigation lanes.

If you have any other questions or concerns, please feel free to let me know. Have a great evening!

~Benny

Benny A. Dean Jr.
Regulatory Project Manager | Eugene Field Office
211 E 7th Ave., Ste. 105 | Eugene OR 97401-2722
O: 541.465.6769 | Fx: NONE



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org

October 21, 2015

Ms. Vevie Popplewell-Walker

City of Florence

Planning

250 Hwy 101

Florence, OR 97439



RE: SHPO Case No. 15-1266

City of Florence, Resolution PC 15 16 CUP 09, Porter Boatlift

Construction

100 Rhododendron Drive, Floren, Lane County

Dear Ms. Popplewell-Walker:

Additional information regarding your proposed project has recently been brought to our attention. In our earlier review we were notified that construction of a private boatlift, gangway and two mooring buoys were being proposed within the above project area. Our office was unaware of proposed mitigation measures and how these measures may affect any historic properties. It appears to our office that the project applicant proposes to remove 37 derelict piles from the vicinity of the project. Does information on the age and initial function of these piles exist? Are they at least 50 years of age? Are they all that remain from an earlier dock, cannery or other historic structure? If greater than 50 years of age, their removal will constitute the destruction of an archaeological site. Before such an activity can be approved, our office will need to receive a copy of a site form and sufficient information on the site's significance. Once we are able to discover, the age, extent, integrity and history of the piles we will be able to address any potential effect that could occur to historic properties within the project's APE.

It is important that the applicant contact a professional archaeologist to have the site assessed for significance and a site form completed. Once our office receives a copy of this form and the assessment we will be able to complete our review of the project. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA

State Archaeologist

(503) 986-0674

dennis.griffin@oregon.gov

cc: Chris Page, USACOE Policy & Compliance Section



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
EUGENE FIELD OFFICE
211 E. 7TH AVENUE, SUITE 105
EUGENE, OREGON 97401-2156

October 21, 2015

Regulatory Branch
Corps No. NWP-2015-350

Notification of Letter of Permission

Dear Addressees:

The U.S. Army Corps of Engineers (Corps) is evaluating a request from Mr. Larry Dean Porter for Department of Army authorization to construct a new private boat lift, gangway, and install two mooring buoys in the Siuslaw River, approximate mile 3.5. The project site is located at 100 Rhododendron Drive, in the City of Florence, Lane County, Oregon, Section 27, Township 18 South, Range 12 West. Project drawings, labeled Corps No. NWP-2015-350, are enclosed for your review.

The project would involve the installation of a 3-foot wide aluminum grated gangway, which would be anchored to an existing upland concrete pad on the applicant's property, and extend approximately 80 feet waterward from the mean high water mark (MHW). A 25-foot wide by 35-foot long aluminum boat lift would be connected to the gangway. The entire structure would be supported by nine 12-inch diameter steel piles, which would be driven from a barge using a vibratory hammer. In addition, two mooring buoys with concrete anchors would be installed approximately 130 feet from the shoreward boundary of MHW. The distance from the outermost structure or moored boat would be a minimum distance of 500 feet from the federal navigation channel. The purpose for the proposed work is to allow for private boating use at the applicant's residence.

Endangered Species: Preliminary determinations indicate that the described activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

Cultural Resources: An initial evaluation of the proposed project area indicates to the best of our knowledge, the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. At this time the Corps is unaware of any cultural resource surveys of the project area.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1465 (c) (3) (A)), the applicant has certified that the activity complies with and will be conducted in a manner that is consistent with the approved

state coastal zone management program. The Corps is requesting consistency concurrence from the Oregon Department of Land Conservation and Development, Coastal Management Program.

The Corps is considering issuing a Letter of Permission under the provisions of 33 CFR 325.2(e) (1) for the work described on the enclosed drawings. The proposed work is believed to be minor, is not expected to have a significant impact on environmental values, and should not encounter opposition.

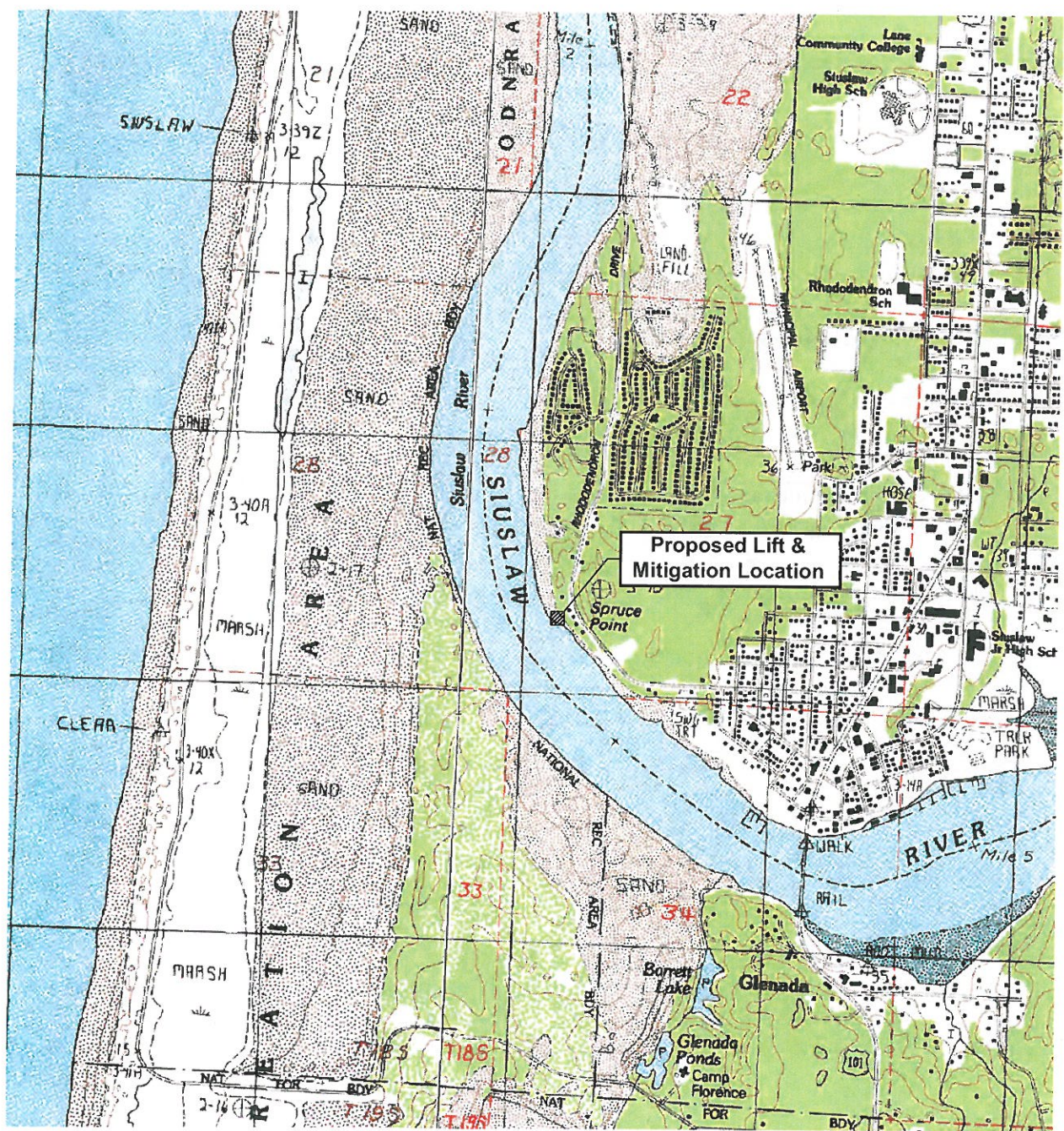
If you have any comments regarding the proposed action, please provide them within 15 days from the date of this letter to the Project Manager, Heidi Firstencel, at the letterhead address or e-mail at heidi.firstencel@usace.army.mil. If you have questions, she can also be reached by telephone at (541) 465-6765.

Sincerely,

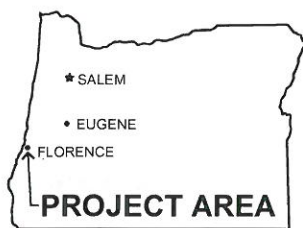
A handwritten signature in black ink, appearing to read 'Tyler J. Krug', with a long horizontal flourish extending to the right.

Tyler J. Krug
Team Leader, Regulatory Branch

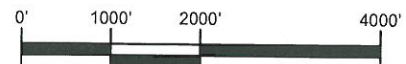
Enclosures



SOURCE: USGS GOOSE PASTURE, OREG. (1984) & FLORENCE, OREG. (1984) 7.5 MINUTE QUADRANGLE.



OREGON



SCALE: 1" = 2,000'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

LOCATION MAP

PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

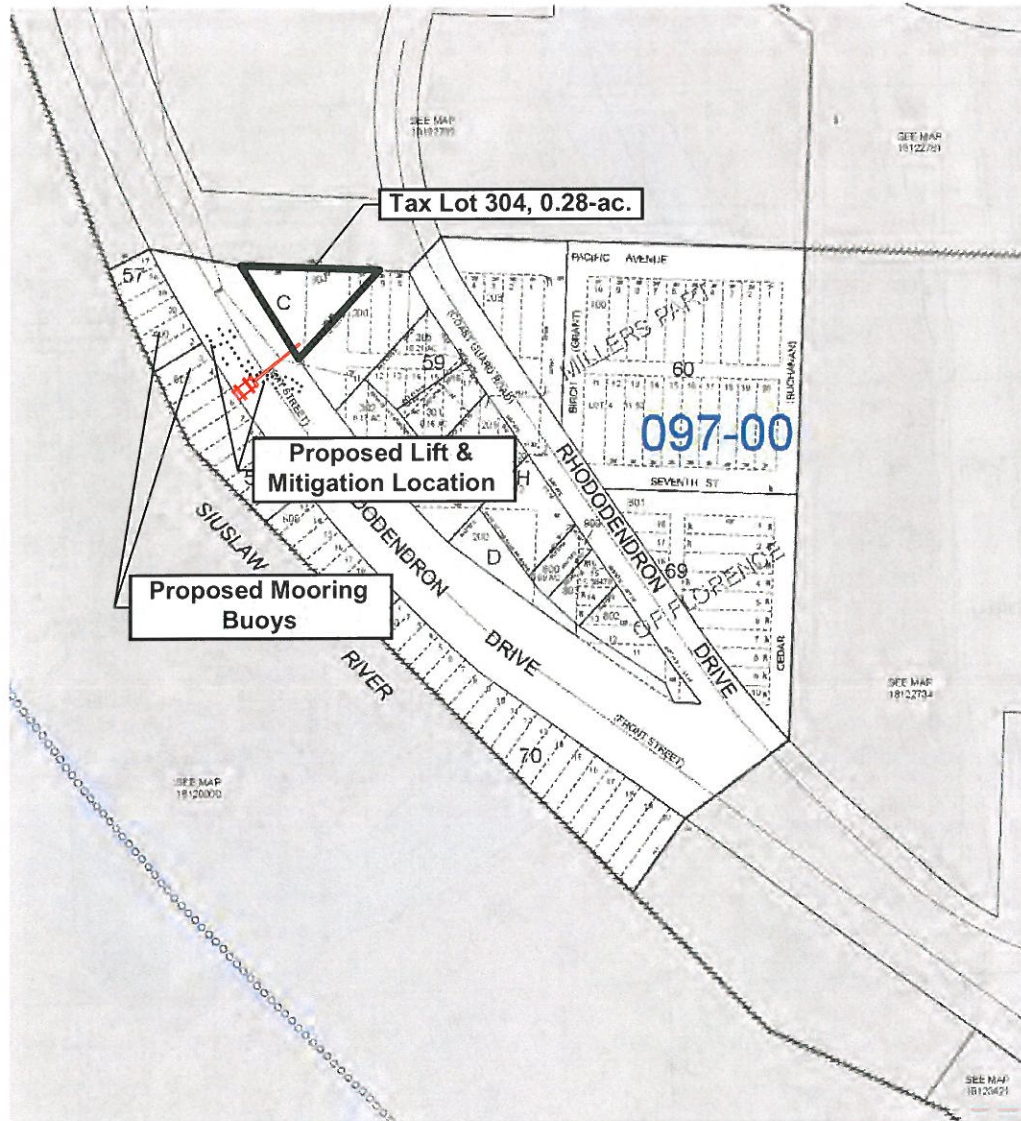
1

REQUIREMENT AND
OTHER NOTES

S.W.1/4 S.W.1/4 SEC. 27 T.18S R.12W. W.M.
Lane County
1" = 100'

18122733
FLORENCE

LOCATION - ORIGINATOR'S MAP

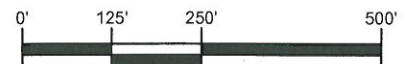
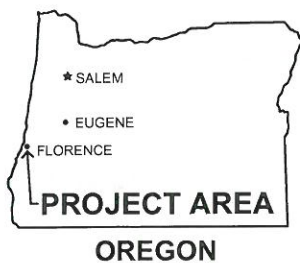


CANCELLED
200
300

PROJECT
FLORENCE - ORIGINATOR'S MAP
DATE: 12/10/14
BY: LARRY PORTER
PROJECT: PORTER BOAT LIFT PROJECT
PROJECT: PORTER BOAT LIFT PROJECT
PROJECT: PORTER BOAT LIFT PROJECT

FLORENCE
18122733

SOURCE: THE OREGON MAP, 2014.



SCALE: 1" = 250'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

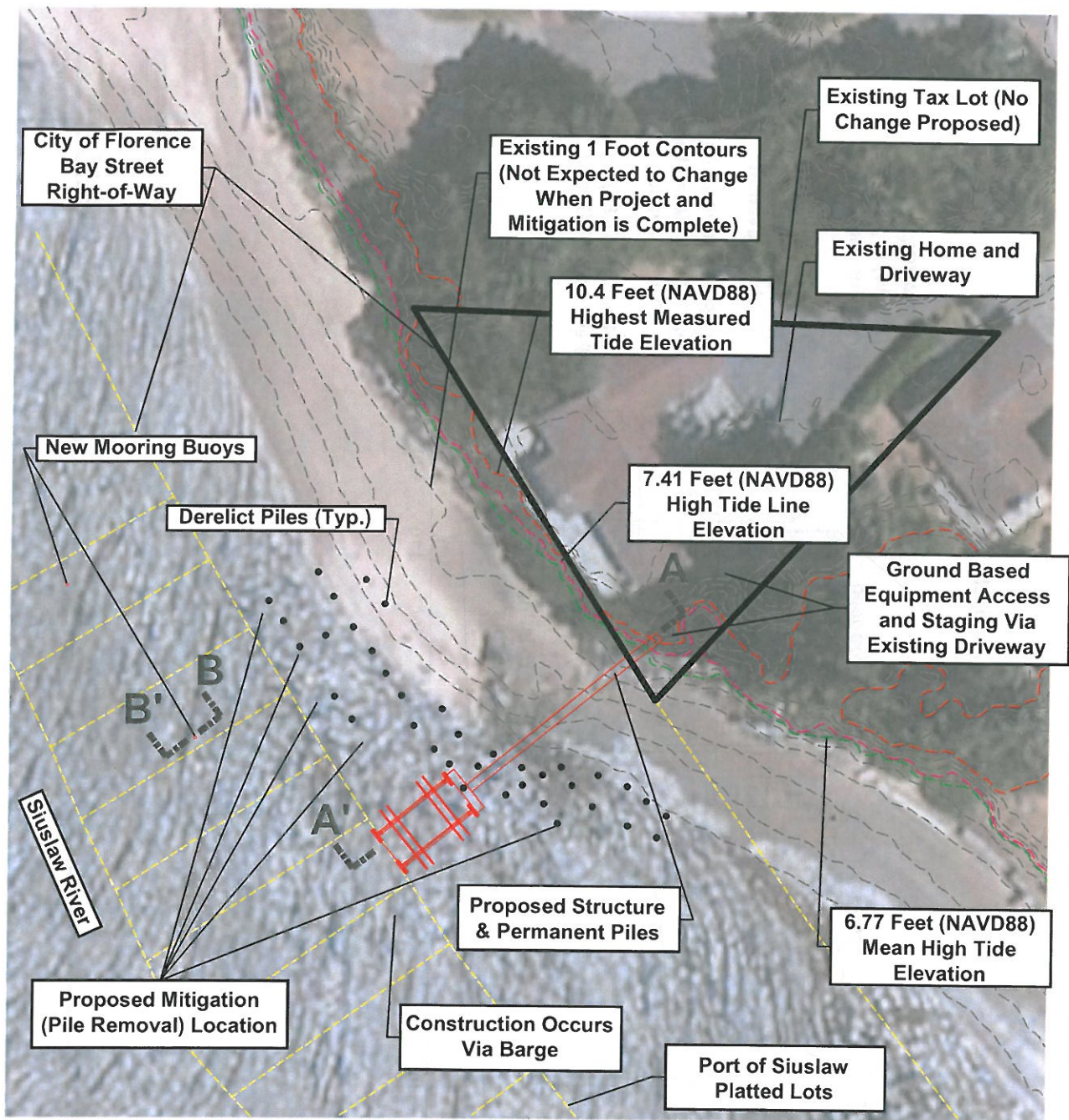
DATE
SEPT 2015

TAX LOT MAP 18122733

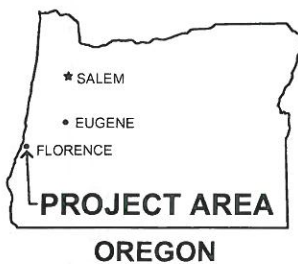
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

2



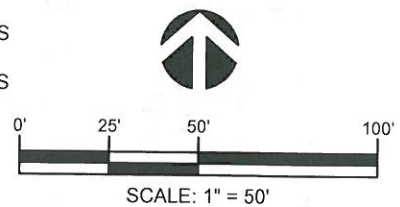
SOURCE: AERIAL PHOTOGRAPH FROM ESRI (2015). CONTOURS DERIVED FROM DOGAMI LIDAR.



27.065 SQ. FT. / 7.384 CU. YD. PERMANENT IMPACTS
BELOW HIGHEST MEASURED TIDE
27.065 SQ. FT. / 4.287 CU. YD. PERMANENT IMPACTS
BELOW HIGH TIDE LINE
27.065 SQ. FT. / 3.645 CU. YD. PERMANENT IMPACTS
BELOW MEAN HIGH WATER TIDAL ELEVATION



CROSS-SECTIONS
(SEE FIGURES 4A & 4B)



PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

PLAN VIEW DRAWING
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

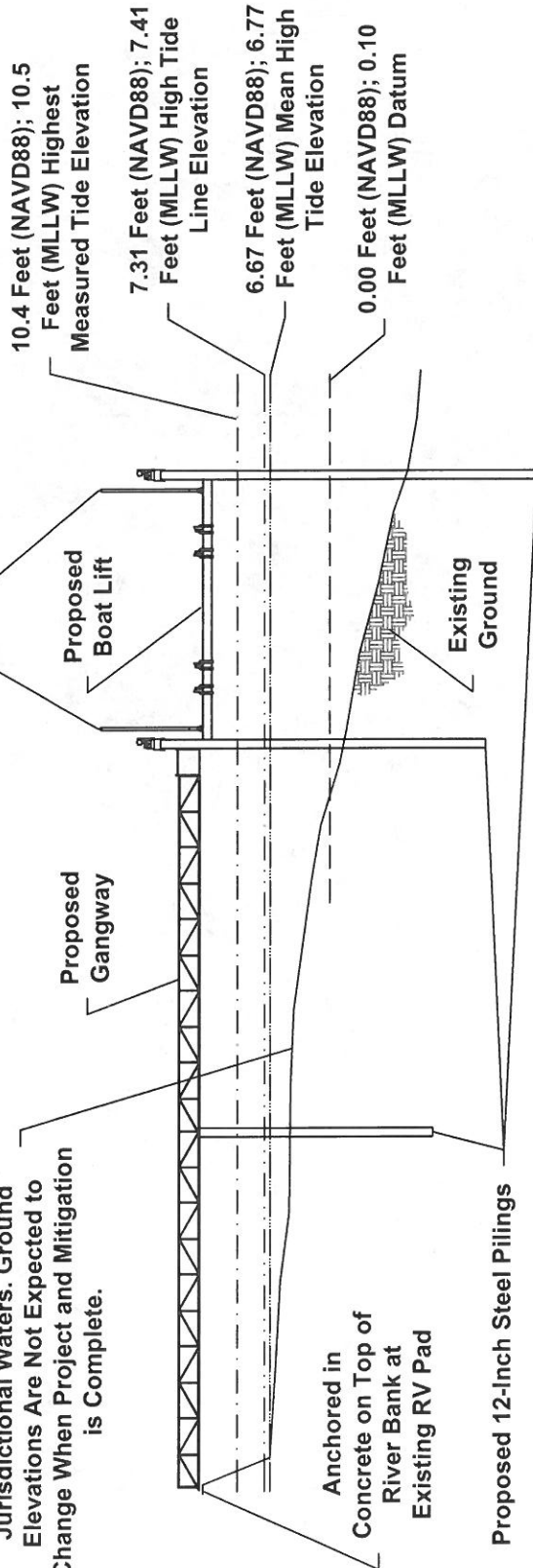
3

A

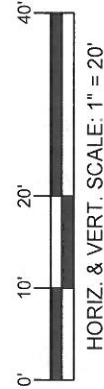
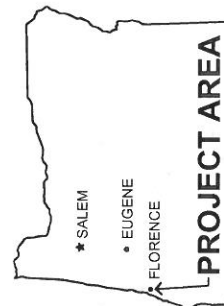
A'

Project Does Not Involve Placement of Fill Material or Excavation in Jurisdictional Waters. Ground Elevations Are Not Expected to Change When Project and Mitigation is Complete.

Piscivorous Bird Deterrents



SOURCE: LARRY PORTER.



PREPARED FOR: LARRY PORTER

FIGURE

4A

CROSS-SECTION A-A' DRAWING

PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

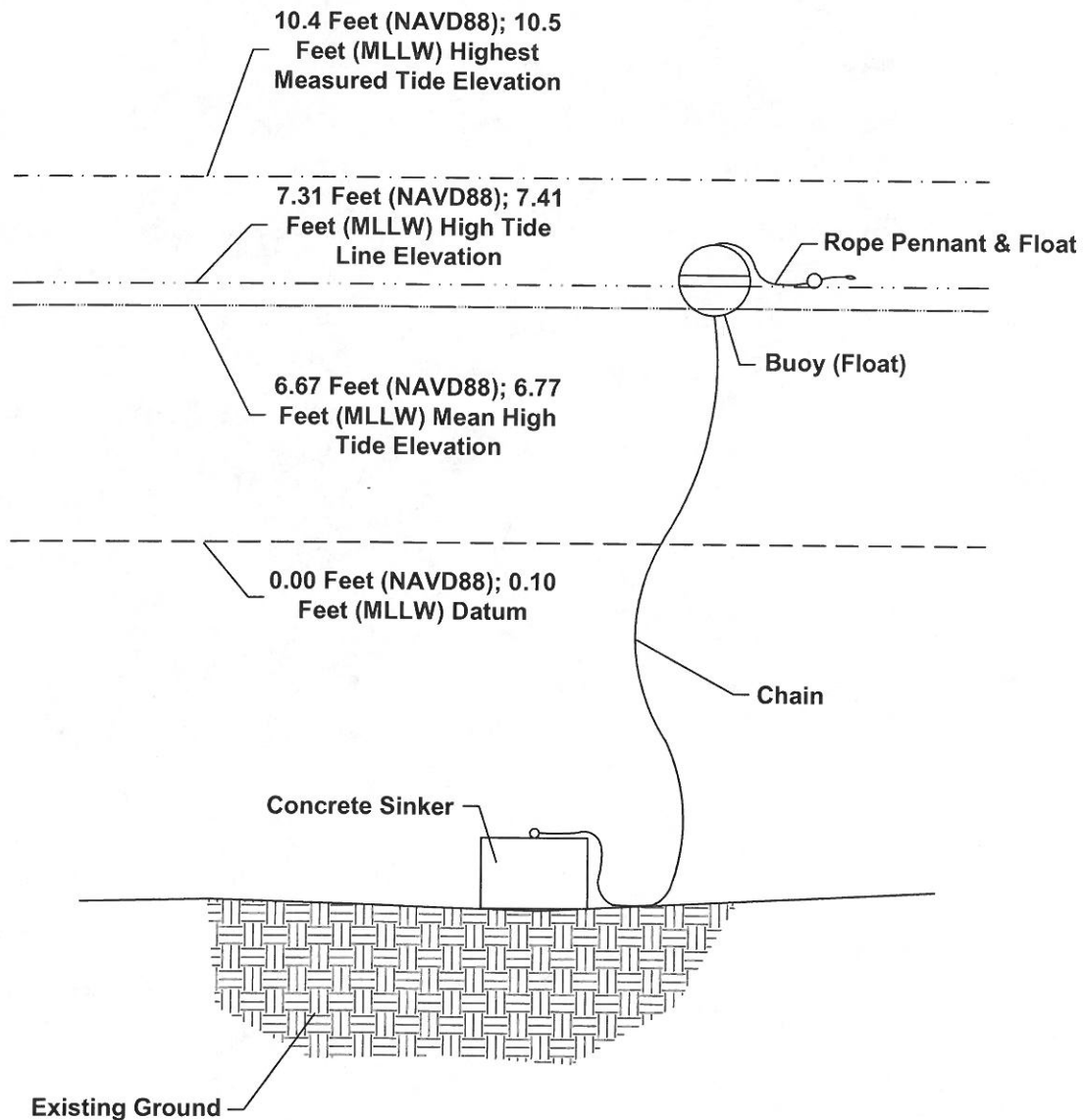
PROJECT #
90306.000

DATE
SEPT 2015

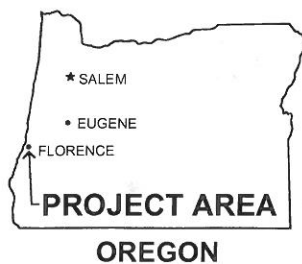


B

B'



SOURCE: LARRY PORTER.



SCALE: 1" = 5'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

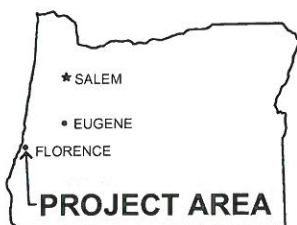
CROSS-SECTION B-B' DRAWING
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

4B



SOURCE: AERIAL PHOTOGRAPH FROM ESRI (2015).



OREGON



SCALE: 1" = 50'

PREPARED FOR: LARRY PORTER



PROJECT #
90306.000

DATE
SEPT 2015

RECENT AERIAL PHOTOGRAPH
PORTER BOAT LIFT PROJECT JOINT PERMIT APPLICATION
FLORENCE, LANE COUNTY, OREGON

FIGURE

5

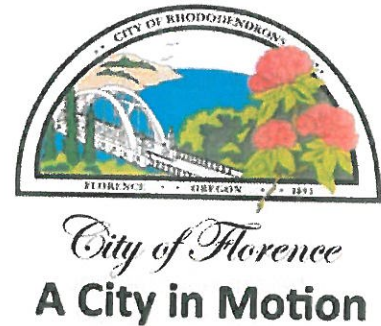
TO: Florence Planning Commission

MEMO DATE: September 3, 2014

MEETING DATE: September 9, 2014

STAFF: Wendy FarleyCampbell, Planning Director

SUBJECT: Council Goal 2, Objective 5, Task 2: Streamline Land Use Process



PURPOSE

One of the Council Goals this year is to reduce the amount of land use process and expense required for a business or property owner to make changes to their site or get approval to occupy a site. Specifically, Council would like to create an "over the counter" land use process. This is known as a Ministerial or Type 1 process and it involves a decision that requires no use of discretion in applying standards or criteria. A project either meets or does not meet code.

Presently the City of Florence offers the following land use process types: Administrative Type 2, Quasi-Judicial Type 3 & 4, and Legislative or Type 5. More detailed descriptions of these types are included in an attachment to this memo. While the state sets the process for some types of actions such as legislative and quasi-judicial zone and comprehensive plan amendments, variances and conditional uses the local jurisdiction can set the process for other "lesser" types of actions. The limitation of application type is how much discretion is in the code.

There are some types of decisions staff has historically performed that would be classified as a Type 1/Ministerial decision. Thus amending code to add a Type 1 process would codify this current practice and reduce the number of land use decisions currently processed in other categories either Administratively or at the Planning Commission. Another added benefit will be the voluntary improvement of existing structures as the current process is unnecessarily time consuming and the associated fee often matches or exceeds the cost of the work proposed. As such many property and business owners either defer improvements or perform the work without review.

Over the last 8 years the City of Florence has adopted numerous code standards such as landscaping, fence, lighting, public improvements, and site access. A result is that the code is fairly prescriptive and many elements do not require utilizing discretion in making a decision. Aside from a few minor code adjustments the criteria that have not been codified and thus require discretion are architectural elements such as the Old Town Architectural standards, colors, building design and materials etc.... The City of Florence has applied fairly standard and consistent decisions regarding building design for the last 20 years or more. Incorporating these long applied "standards" into code would codify the City of Florence' intent and direction in how the community will look. It would also permit the opportunity for ministerial review of some types of projects. Staff would recommend that

there would still be the opportunity for a different design or look through a public hearings process.

PROCESS

Staff has been reviewing the state's new 2012 Model Code in preparation for this process. Their ministerial code section is attached to this memo along with staff's draft city code amendments to add the ministerial process to Title 10 Chapter 1.

At this time staff seeks direction from the Planning Commission on which types of land use activities to classify as Type 1 or ministerial and whether there are any particular criteria you would either like modified or added to code. Following this discussion item staff will draft proposed code amendments for Planning Commission's consideration in a work session in November. Staff would also create a zoning checklist that would be completed by an applicant for the ministerial process. The zoning checklist would include code standards such as setbacks and structure height that would be used to identify whether the proposal met the code.

ATTACHMENTS:

1. Description of Application Procedures
2. Draft Ministerial Process Code
3. State of Oregon 2012 Model Code-Ministerial Excerpt

DESCRIPTION OF APPLICATION PROCEDURES

1. Type I (Ministerial). Type I decisions are made by the City Planning Official or designee. The Type I procedure is used when there are clear and objective approval criteria and applying City standards and criteria requires no use of discretion. The Type I process does not involve public notice or a public hearing prior to the decision and does not allow for a local appeal.

Quasi-judicial decisions follow a Type II, Type III or a Type IV process. A quasi-judicial decision concerns a specific site or area, and involves the exercise of discretion in make a decision.

2. Type II (Limited Land Use/Administrative). Type II decisions are made by the City Planning Official or designee. A Type II process is based on a review of criteria that requires a limited amount of discretion. The Type II process includes public notice of the application and an opportunity for citizens to provide comments prior to the decision. The process does not include a public hearing unless requested by the Planning Commission or the decision is appealed. Notice of the decision is provided to allow the applicant or an adversely affected person to appeal the decision. The appeal of a Type II decision made by the City Staff is appealed to the Planning Commission. A Type II decision made by the Planning Commission is appealed to the City Council.

3. Type III (Quasi-Judicial). Type III decisions are made by the Planning Commission. The Planning Commission's decision is based on compliance with applicable approval criteria in the land use code and comprehensive plan. Type III decisions generally use discretionary approval criteria. The Type III process includes public notice and a public hearing. A Type III decision is appealable to the City Council by the applicant or an individual who testified orally or in writing.

4. Type IV (Quasi-Judicial). The Type IV process provides for a quasi-judicial review and recommendation by the Planning Commission and quasi-judicial review and decision by the City Council of applications that involve a specific site. The Type IV process includes public notice and public hearings. The City Council's decision is based on compliance with applicable approval criteria in the land use code and comprehensive plan, and if it involves a comprehensive plan map change the statewide goals would be also be approval criteria. A Type IV hearing may be conducted in a joint meeting of the City Council and Planning Commission.

Legislative decisions follow a Type V process where the hearing body is acting as a legislator, making new law. Unlike quasi-judicial decisions, legislative decisions are not site specific and will affect more than a few parcels of land and more than a small number of property owners.

5. Type V (Legislative). Type V procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Legislative hearings typically occur when considering amendments to the goals and policies in the comprehensive plan, to major map amendments, and to changes to the zoning ordinance; legislative decisions apply to entire districts, not just one property. The Type V process includes public notice and a public hearing. A public hearing is held before the Planning Commission, which forwards a recommendation to the City Council. The City Council holds a public hearing before making a final decision, which is based on compliance with applicable approval criteria in the land use code, comprehensive plan and statewide planning goals. A Type V hearing may be conducted in a joint meeting of the City Council and Planning Commission. Legislative matters also allow pre-hearing contact between citizens and the decision makers on legislative matters. Thus, "ex parte contact" is not a concern. Decision makers may seek all the input they can get on the issues in order to make a reasonable decision on the proposed amendments.

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-1-6: Ministerial and Administrative Review

10-1-1: ADMINISTRATIVE REGULATIONS:

10-1-1-6: MINISTERIAL AND ADMINISTRATIVE REVIEW:

10-1-1-6-1: ADMINISTRATIVE REVIEW:

- A. The Planning Director, or designated planning staff may make administrative decisions. The administrative procedure is used when there are clear and objective approval criteria and applying City standards require ~~no~~ some use of discretion.
- B. Administrative Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:
 - 1. Vegetation clearing permits.
 - 2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.
 - 3. Modification of less than 1,500 square feet or less than 25% of the building square footage, whichever is less.
 - 4. An increase in residential density by less than 10 percent, provided the resulting density does not exceed that allowed by the land use district.
 - 5. A change in setbacks or lot coverage by less than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district.
 - 6. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
 - 7. Administrative review is required for all modifications to an approved landscaping plan except city staff may approve the following changes without going through the administrative review process, provided the proposed landscaping plan is consistent with the intent and character of the original approval:
 - a. plant or tree substitutions (e.g. shrub for shrub, tree for tree),
 - b. ground cover substitutions,
 - c. trading plant locations if planting beds remain the same, or
 - d. change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)
 - 8. Special Use Permit
 - 9. Administrative Review is required for all new construction, expansions, change of use and remodels within the Limited Industrial District and Pacific View Business Park

District, except city staff may approve the following changes without going through the administrative review process:

- a. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.
- b. Modification to an approved Design Review of less than 1,500 square feet or less than 25% of the building square footage, whichever is less.
- c. A change in setbacks or lot coverage by less than 10 percent provided the resulting setback or lot coverage does not exceed that allowed by the land use district.
- d. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.

10-1-1-6-2 MINISTERIAL/STAFF REVIEW AND ZONING CHECKLIST:

- A. Ministerial/Staff Review: The City Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the staff review (over-the-counter) procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards).
- B. Zoning Checklist: The City Planning Official reviews proposals requiring a staff review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Title 10 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
- C. Application Requirements:
 1. Application Forms: Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
 2. Application Requirements: When a Zoning Checklist is required, it shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee
- D. Requirements: The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.
- E. Criteria and Decision: The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- F. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

Table 10-1-1 – Summary of Approvals by Review Procedure

<u>Approvals*</u>	<u>Review Procedures</u>	<u>Applicable Regulations</u>
<u>Zoning Checklist Review</u>	<u>Ministerial</u>	<u>Applicants are required to complete a Zoning Checklist before applying for any other permit or approval. See FCC 10-1-1-6-2.</u>
<u>Access to a Street</u>	<u>Ministerial</u>	<u>FCC 10-35 and the standards of the applicable roadway authority (City/County/ODOT)</u>
<u>Adjustment</u>	<u>Administrative Review</u>	<u>See FCC 10-1-1-6-1</u>
<u>Annexation</u>	<u>Legislative</u>	<u>See Oregon Revised Statute 222 & FCC 10-1-3</u>
<u>Code Interpretation</u>	<u>Ministerial or Administrative Review</u>	<u>See FCC 10-1-1-6. Routine interpretations that do not involve discretion do not require a permit.</u>
<u>Code Text Amendment</u>	<u>Legislative</u>	<u>See FCC 10-1-3</u>
<u>Comprehensive Plan Amendment</u>	<u>Legislative</u>	<u>See FCC 10-1-3</u>
<u>Conditional Use Permit</u>	<u>Quasi-Judicial</u>	<u>See FCC 10-4</u>
<u>Home Occupation</u>	<u>No permit, except when required by the applicable zoning district.</u>	
<u>Legal Lot Determination</u>	<u>Ministerial</u>	<u>See FCC 10-1-1-6-2</u>
<u>Master Planned Development</u> <u>Concept Plan</u> <u>Detailed Plan</u>	<u>Quasi-Judicial</u>	<u>See FCC 10-1-1-5</u>
	<u>Ministerial or Admin. Review</u>	<u>See FCC 10-1-1-6-2/10-1-1-6-1</u>
<u>Modification to Approval or Condition of Approval</u>	<u>Ministerial, Admin. Review, or Quasi-Judicial</u>	<u>See FCC 10-1-1-6-2, 10-1-1-6-1, and/or 10-1-1-5</u>
<u>Non-Conforming Use or Structure, Expansion of</u>	<u>Ministerial, Admin. Review, or Quasi-Judicial</u>	<u>See FCC 10-1-1-6-2, 10-1-1-6-1, and/or 10-1-1-5</u>
<u>Partition or Re-plat of 2-3 lots</u> <u>Preliminary Plat</u> <u>Final Plat</u>	<u>Quasi-Judicial</u>	<u>See FCC Title 11</u>
	<u>Ministerial/Admin.</u>	<u>See FCC Title 11 and FCC 10-1-1-6-1 and -6-2</u>
<u>Property Line Adjustments, including Lot Consolidations</u>	<u>Ministerial</u>	<u>Chapter 4.3</u>
<u>Site Design Review</u>	<u>Admin. Review or Quasi-Judicial</u>	<u>See FCC 10-1-1-6-1 or FCC 10-6</u>
<u>Subdivision or Replat of >3 lots</u> <u>Preliminary Plat</u> <u>Final Plat</u>	<u>Quasi-Judicial</u>	<u>See FCC Title 11</u>
	<u>Ministerial or Quasi-Judicial</u>	<u>See FCC Title 11 and FCC 10-1-1-6-1 and -6-2</u>
<u>Variance</u>	<u>Quasi-Judicial</u>	<u>See FCC 10-5</u>
<u>Zoning District Map Change</u>	<u>Quasi-Judicial or Legislative</u>	<u>See FCC 10-1-1-5 and 10-1-3</u>

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

4.1 – General Review Procedures | Purpose and Applicability

Chapter 4.1 – General Review Procedures

Sections:

4.1.010	Purpose and Applicability
4.1.020	Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
4.1.030	Type II Procedure (Administrative Review)
4.1.040	Type III Procedure (Quasi-Judicial Review - Public Hearing)
4.1.050	Type IV Procedure (Legislative Review)
4.1.060	General Provisions Applicable to All Reviews

4.1.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).
- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
 - 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting;
 - 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; *or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission*. Quasi-Judicial decisions involve discretion but implement established policy.
 - 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

4.1 – General Review Procedures | Purpose and Applicability

Table 4.1.010 – Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review <u>User's Guide: See comments on page 4-6.</u>	Type I	Applicants are required to complete a Zoning Checklist before applying for any other permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	Type III Type [I / III]	Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type [I / III]	Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type [I / III]	Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type III or IV	Chapter 4.7 Chapter 4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

4.I – General Review Procedures | Type I Procedure

4.I.020 Type I Procedure (Staff Review and Zoning Checklist)

User's Guide: The model code refers to a "zoning checklist" procedure. The checklist is not a formal land use decision. It is intended to help property owners verify city requirements before beginning a project. The form may be completed at city hall with staff assistance, or at home. The checklist is like a questionnaire. In summary form, owners are asked to provide information about their project proposal so that city staff can identify applicable code requirements, if any. At a minimum, the form should help identify whether a proposed project (e.g., new structure, remodel, fence, excavation, etc.) requires land use approval prior to issuance of any building permit. Where no land use decision is required, but a building permit is required, the form, signed by the responsible city official, is presented to the building department as proof of compliance with the development code.

- A. Type I Procedure (Staff Review).** The City Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards).
- B. Zoning Checklist.** The City Planning Official reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 2 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
- C. Application Requirements.**
- 1. Application Forms.** Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
 - 2. Application Requirements.** When a Zoning Checklist is required, it shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- D. Requirements.** The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.
- E. Criteria and Decision.** The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- F. Effective Date.** A Zoning Checklist decision is final on the date it is signed by the City Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

